



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/26/2012

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 002-12

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, December 06, 2012

This amendment was submitted to DLCD for review prior to adoption 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: Stuart Cowie, City of Toledo
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DEPT OF

NOV 19 2012

LAND CONSERVATION AND DEVELOPMENT

**D
A
T
E

S
T
A
M
P**

For Office Use Only

Jurisdiction: **City of Toledo**

Local file number: **ZOA-1-12/PA-2-12**

Date of Adoption: **11/7/2012**

Date Mailed: **11/15/12**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/29/2012

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Toledo Municipal Code (Zoning Ordinance) to adopt new definitions for various industrial use terms; revise the purpose statements for the Light-Industrial (L-I) and Industrial (I) Zones; modify the list of uses permitted outright and conditional uses for the L-I, I, and Water-Dependent (W-D) Zones; modify the special standard section for the L-I Zone, I Zone, and Conditional Use standards; adopt delivery and loading requirements for the L-I and I Zones; and update the conditional use standards; update the 2000 Toledo Comprehensive Land Use Plan; and adopt the 2010 Toledo Economic Opportunities Analysis into the 2000 Toledo Comprehensive Land Use Plan Inventory.

Does the Adoption differ from proposal? Please select one

No, the adoption does not differ from the proposal.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **All I, L-I, W-D Zones**

Acres Involved:

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☒	☐	☐	☐	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Port of Toledo, DLCD

Local Contact: **Stuart Cowie**

Phone: (541) 336-2247 Extension: 210

Address: **PO Box 220**

Fax Number: **541-336-3512**

City: **Toledo, OR**

Zip: **97391-**

E-mail Address: **cdeplanner@cityoftoledo**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 1345

AN ORDINANCE AMENDING ORDINANCE 1286 (TOLEDO MUNICIPAL CODE TITLE 17) TO REVISE AND ESTABLISH ZONING REGULATIONS, AND AMENDING ORDINANCE 1285 (TOLEDO MUNICIPAL CODE CHAPTER 1.08) TO UPDATE THE 2000 TOLEDO COMPREHENSIVE LAND USE PLAN ZONING MAP DESIGNATIONS IN ARTICLE 2, UPDATE THE 2000 TOLEDO LAND USE PLAN INVENTORY ARTICLE 9, AND TO ADOPT THE 2010 TOLEDO ECONOMIC OPPORTUNITIES ANALYSIS (EOA) INTO THE 2000 TOLEDO COMPREHENSIVE LAND USE PLAN INVENTORY.

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, the City of Toledo adopted Ordinance 1285, adopting the 2020 Vision for Toledo (The 2000 Toledo Comprehensive Land Use Plan) and 2000 Toledo Comprehensive Land Use Plan Inventory documents on April 4, 2001, and acknowledged by the State of Oregon Department of Land Conservation and Development on June 19, 2002;

WHEREAS, the 2000 Toledo Comprehensive Land Use Plan allows for text amendments, when consistent with Oregon Statewide Planning Goals and Guidelines;

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

WHEREAS, the community development department obtained a grant from the Oregon Department of Land Conservation and Development to provide technical assistance to study and make recommendations for the industrial zoned lands;

WHEREAS, a consultant from the Cascade West Council of Governments was provided and a technical advisory committee and project committee were formed in order to review the City of Toledo Zoning Ordinance and Comprehensive Land Use Plan;

WHEREAS, an Economic Opportunities Analysis (EOA) was prepared and presented to the City of Toledo by the Cascade West Council of Governments providing justification for the recommended changes to the Toledo Zoning Ordinance and Comprehensive Land Use Plan;

WHEREAS, after several committee meetings and two public forums, the industrial lands project committee prepared a recommendation for industrial lands and presented the recommendation to the Planning Commission and City Council on April 12, 2011;

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

over a period of one year and a public hearing (local file #PA-2-12/ZOA-1-12) was held on October 10, 2012, at which time, the Planning Commission sent forward the proposed zoning ordinance and Toledo Comprehensive Land Use Plan revisions to the City Council for a public hearing and adoption; and

WHEREAS, the City Council held a public hearing on the proposed zoning ordinance and Toledo Comprehensive Land Use Plan revisions on November 7, 2012, 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.

§17.04.020(B) of the Toledo Municipal Code shall be amended, adding the following definitions and terms and shall be placed in alphabetical order with the existing definitions and terms:

17.04.020 Definitions.

“Assembly plants” refers to establishments, which produce finished or semi-finished products from man-made, secondary or partially completed materials. Products may be for wholesale trade, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if done, such uses may not exceed 25% of the total floor area of the building or buildings in which the assembly plant operates. Assembly plants will be fully enclosed and may include office space 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.

“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.

“Limited manufacturing” refers to processing and manufacturing operations which are fully enclosed and are primarily engaged in the on-site production of the following:

1. Hand-manufactured goods involving the use of hand tools or domestic mechanical equipment. Products may be finished or semi-finished and are made individually or in small lots. Typical products include: art, sculpture, pottery, jewelry, toys, candles, woodwork, custom textile products and similar artisan goods. Retail sale or display of goods produced on-site may be included as a subordinate accessory use.
2. Manufacturing or assembly of precision items or professional instruments. Typical products include: measuring, analyzing or controlling instruments, electronic components, medical and dental supplies, computers and musical instruments,

commercial fishing gear manufacturing, including but not limited to; crab pot manufacturing, net and ground gear manufacturing/construction. Retail sale or display of goods produced on-site may be included as an accessory use.

“Low intensity recreation” means recreational facilities with limited infrastructure and predominant open space. Examples include: bike and pedestrian paths, viewpoints and fishing areas. Low intensity recreation does not include: campgrounds, playgrounds, sports fields, basketball courts or other high-use facilities.

“Machine shops and fabrication” refers to establishments primarily engaged in the assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops. Products may include: metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates and similar products.

“Processing and manufacturing operations” refers to operations primarily engaged in the mechanical or chemical transformation of materials or substances into new products.

“Research & Development (R&D)” refers to facilities exclusively used for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses. Such uses may be located individually, in a business park, or in a flex-space. R&D uses will be fully enclosed, may include office space as an accessory use, and have minimal transportation system impacts.

SECTION 2.

§17.20.010 of the Toledo Municipal Code is amended to read as follows:

17.20.010 Purpose.

The purpose of the Light Industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing areas to serve a variety of manufacturing and other industrial activities with limited external impacts and to serve as a transition area between commercial, public and residential uses and heavier industrial uses.

Uses permitted in the L-I zone are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. The external impact from these uses is generally less than uses permitted in the Industrial zone, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage, delivery, and loading. Offices and commercial uses are permitted on a limited basis, and only in conjunction with a permitted L-I use.

SECTION 3.

§17.20.020 of the Toledo Municipal Code is amended to read as follows:

17.20.020 Uses permitted outright.

The following light industrial uses and their accessory uses are permitted, subject to applicable standards, provided that the uses occur in a building or buildings that together do not exceed 40,000 square feet of floor area. Special standards for certain uses (marked with an asterisk (*)) are found in Section 17.20.040).

- A. Assembly plants.
- B. Limited manufacturing.
- C. Contractor's warehouse and shop.
- D. Crane business and related operations.
- E. Storage in conjunction with a permitted use.
- F. Machine shop and fabrication.
- G. Mini-storage.
- H. Parking in conjunction with uses permitted in the L-I zone.
- I. Governmental and utility uses such as a pumping station, utility service yard, utility substation, public works shop, public safety services, or similar facilities.
- J. Separate office building and/or retail sales in conjunction with a permitted use. *
- K. Wholesale trade.
- L. Auto body shop. *
- M. Truck and car repair and service-minor. *
- N. Boat building and/or boat repair and related launch facility.
- O. Automobile service stations.
- P. One security dwelling as a separate structure or one security dwelling as part of a building for light-industrial use that complies with applicable codes for mixed use occupation. A security dwelling may only be allowed as an accessory use in conjunction with uses permitted in the L-I zone. *
- Q. Temporary street vendors/seasonal commercial uses not to exceed six months.
- R. Uses permitted outright in the commercial zone, but only on parcels with frontage on Business Highway 20.
- S. Warehousing.
- T. Railroad line and associated uses.
- U. Commercial fishing gear maintenance, repair and storage.
- V. Food production and/or beverage production.
- W. Research and development.
- X. Low intensity recreation.
- Y. Timber-based operations, excluding milling and/or processing of wood and paper products.
- Z. Commercial marina or moorage, and or charter boat operation.

SECTION 4.

§17.20.030 of the Toledo Municipal Code is amended to read as follows:

17.20.030 Conditional uses permitted.

- A. A use permitted outright in the L-I zone, in which the building or buildings provided for the use exceed 40,000 square feet of floor area.
- B. Bulk storage of flammable liquids and gases.

- C. Eating or drinking establishments, including take-out or drive-in services.
- D. Industrial museum.
- E. Processing and manufacturing operations, excluding the following:
 - 1. Asphalt mixing and batching.
 - 2. Explosives manufacturing.
 - 3. Petroleum or petroleum products refining.
 - 4. Fertilizer manufacture.
 - 5. Gas manufacture.
 - 6. Slaughterhouse or rendering facility.
- F. Shipping facilities.
- G. Shoreline stabilization as defined in the Lincoln County Estuary Management Plan.
- H. Truck and car repair and service - major.
- I. Waste transfer, recycling facility, or scrap metal facility.
- J. Drive-in use for uses which are permitted outright or as conditional uses in the L-I zone
- K. Concrete mixing and batching, but excluding asphalt mixing and batching.
- L. Uses which are similar in character, scale and performance to those permitted outright or conditionally in the L-I zone and which conform with the purpose of the zone.

SECTION 5.

§17.20.040 of the Toledo Municipal Code is amended to read as follows:

17.20.040 Special standards for certain uses (marked with an asterisk (*) in Section 17.20.020).

- A. Auto Body Shop. The use must comply with the following standards:
 - 1. Non-operating vehicles shall be stored overnight only within the building and outdoors in designated storage spaces. The maximum number of non-operating vehicle, outdoor, storage spaces shall be limited to two spaces per paint booth. Required customer/employee parking spaces shall not be used for overnight storage of non-operating vehicles.
 - 2. Operating vehicles shall be parked overnight only in designated parking areas or within the building.
- B. Truck and Car Repair and Service - Minor. The use must comply with the following standards:
 - 1. Non-operating vehicles shall be stored overnight only within the building and outdoors in designated storage spaces. The maximum number of non-operating vehicle, outdoor, storage spaces shall be limited to one space for the first two repair bays and .50 storage spaces per each additional repair bay. Required customer/employee parking spaces shall not be used for overnight storage of non-operating vehicles.
 - 2. Operating vehicles can be parked overnight only in designated parking areas or within the building.
- C. A Security Dwelling as a Separate Structure. The dwelling must comply with the following standards:
 - 1. It must be a site-built single-family structure which meets the Uniform Building Code or a manufactured home that meets the following criteria:
 - a. Be a single wide or wider.

- b. Must comply with the current edition of the Oregon Manufactured Dwelling Specialty Code.
 - c. Have skirting that matches the dwelling or perimeter foundation of surfaced concrete or masonry.
 - d. The manufactured dwelling shall have a pitched roof with a minimum nominal slope of two feet in height for each twelve (12) feet in width (2:12), and shall be of three-tab or shake style roofing material.
- 2. The structure is limited to a size between two hundred forty (240) to eight hundred fifty (850) square feet and is limited in size to a one-bedroom unit.
- 3. Parking must be provided for the structure at the ratio of one space per unit and it must be adjacent to the dwelling.
- 4. The dwelling may be located within the industrial building or if it is in a separate structure:
 - a. A fenced, landscaped yard will be provided with setbacks as are required in the R-S zone from any of the industrial uses on the site and from the adjacent properties and roadways.
 - b. There shall not be any outdoor storage in the front yard or in any of the setback areas of the dwelling.
- 5. Security dwellings are to be located so as to minimize the number of dwellings in an industrial area/park, i.e., near the entry to the complex.
- D. Separate office building and/or retail sales associated with a permitted use in the L-I zone. The dwelling must comply with the following standards:
 - 1. Separate office buildings or retail sales associated with a permitted L-I use must not exceed 50% of the total floor area of the building or buildings devoted to the use.

SECTION 6.

§17.24.010 of the Toledo Municipal Code is amended to read as follows:

17.24.010 Purpose.

The purpose of the I Zone is to implement the Toledo Comprehensive Land Use Plan by providing sufficient, desirable land in the city for the expansion of existing industrial sites and for the construction and development of new industry. The I zone is intended to serve a range of manufacturing uses which may have significant external impacts. Uses permitted in the I zone often have transportation needs that include both rail and truck. Less intensive industrial uses that are permitted in the L-I are also permitted.

SECTION 7.

§17.24.020 of the Toledo Municipal Code is amended to read as follows:

17.24.020 Uses permitted outright.

Special standards for certain uses (marked with an asterisk (*)) are found in Section 17.24.040).

- A. Assembly plants.
- B. Limited manufacturing.

- C. Processing and manufacturing operations, excluding the following:
 - 1. Asphalt mixing and batching.
 - 2. Explosives manufacturing.
 - 3. Petroleum or petroleum products refining.
 - 4. Fertilizer manufacture.
 - 5. Gas manufacture.
 - 6. Slaughterhouse or rendering facility.
- D. Contractor's warehouse and shop.
- E. Crane business and related operations.
- F. Storage in conjunction with a permitted use.
- G. Machine shop and fabrication.
- H. Mini-storage.
- I. Parking in conjunction with uses permitted in the I zone.
- J. Governmental and utility uses such as a pumping station, utility service yard, utility substation, public works shop, public safety services, or similar facilities.
- K. Separate office building and/or retail sales in conjunction with a permitted use. *
- L. Wholesale trade.
- M. Auto body shop. *
- N. Truck and car repair and service—minor. *
- O. Truck and car repair service—major.
- P. Automobile service stations.
- Q. One security dwelling as a separate structure or one security dwelling as part of a building for industrial use that complies with applicable codes for mixed use occupation. A security dwelling may only be allowed as an accessory use in conjunction with uses permitted in the I zone. *
- R. Temporary street vendors/seasonal commercial uses not to exceed six months.
- S. Warehousing.
- T. Railroad line and associated uses.
- U. Commercial fishing gear maintenance, repair and storage.
- V. Food production and/or beverage production.
- W. Research and development.
- X. Low intensity recreation.
- Y. Timber-based operations.
- Z. Shipping facilities.
- Aa. Waste transfer, recycling facility, or scrap metal facility.
- Bb. Bulk storage of flammable liquids and gases.
- Cc. Boat building and/or boat repair and related launch facility.
- Dd. Commercial marina or moorage, and or charter boat operation.

SECTION 8.

§17.24.030 of the Toledo Municipal Code is amended to read as follows:

17.24.030 Conditional uses permitted.

- A. Mineral resource mining, recovery, stockpiling and processing.
- B. Concrete mixing and batching, but excluding asphalt mixing and batching.
- C. Shoreline stabilization as defined in the Lincoln County Estuary Management Plan.
- D. Eating or drinking establishments, including take-out or drive-in services.

- E. Industrial museum.
- F. Drive-in use for uses which are permitted outright or as conditional uses in the I zone.
- G. Uses which are similar in character, scale and performance to those permitted outright or conditionally in the I zone and which conform with the purpose of the zone.

SECTION 9.

§17.24.040 of the Toledo Municipal Code is amended to read as follows:

17.24.040 Special standards for certain uses (marked with an asterisk (*) in Section 17.24.020).

- A. Auto Body Shop. The use must comply with the following standards:
 - 1. Non-operating vehicles shall be stored overnight only within the building and outdoors in designated storage spaces. The maximum number of non-operating vehicle, outdoor, storage spaces shall be limited to two spaces per paint booth. Required customer/employee parking spaces shall not be used for overnight storage of non-operating vehicles.
 - 2. Operating vehicles shall be parked overnight only in designated parking areas or within the building.
- B. Truck and Car Repair and Service - Minor. The use must comply with the following standards:
 - 1. Non-operating vehicles shall be stored overnight only within the building and outdoors in designated storage spaces. The maximum number of non-operating vehicle, outdoor, storage spaces shall be limited to one space for the first two repair bays and .50 storage spaces per each additional repair bay. Required customer/employee parking spaces shall not be used for overnight storage of non-operating vehicles.
 - 2. Operating vehicles can be parked overnight only in designated parking areas or within the building.
- C. A Security Dwelling as a Separate Structure. The dwelling must comply with the following standards:
 - 1. It must be a site-built single-family structure which meets the Uniform Building Code or a manufactured home that meets the following criteria:
 - a. Be a single wide or wider.
 - b. Must comply with the current edition of the Oregon Manufactured Dwelling Specialty Code.
 - c. Have skirting that matches the dwelling or perimeter foundation of surfaced concrete or masonry.
 - d. The manufactured dwelling shall have a pitched roof with a minimum nominal slope of two feet in height for each twelve (12) feet in width (2:12), and shall be of three-tab or shake style roofing material.
 - 2. The structure is limited to a size between two hundred forty (240) to eight hundred fifty (850) square feet and is limited in size to a one-bedroom unit.
 - 3. Parking must be provided for the structure at the ratio of one space per unit and it must be adjacent to the dwelling.
 - 4. The dwelling may be located within the industrial building or if it is in a separate structure:

- a. A fenced, landscaped yard will be provided with setbacks as are required in the R-S zone from any of the industrial uses on the site and from the adjacent properties and roadways.
- b. There shall not be any outdoor storage in the front yard or in any of the setback areas of the dwelling.
- 5. Security dwellings are to be located so as to minimize the number of dwellings in an industrial area/park, i.e., near the entry to the complex.
- D. Separate office building and/or retail sales associated with a permitted use in the I zone. The dwelling must comply with the following standards:
 - 1. Separate office buildings or retail sales associated with a permitted industrial use must not exceed 30% of the total floor area of the building or buildings devoted to the use.

SECTION 10.

Subsection (M) is added to Section §17.32.020 of the Toledo Municipal Code, to read as follows:

17.32.020 Uses permitted outright.

- M. Low intensity recreation providing waterfront access.

SECTION 11.

§17.32.030(E) of the Toledo Municipal Code is amended to read as follows:

17.32.030 Conditional uses permitted.

- E. Restaurant in conjunction with and incidental to a water-dependent use which provides a waterfront viewing experience and which either provides public waterfront access with a waterfront walkway or pavilion, or is located on a floor above a water-dependent use.

SECTION 12.

§17.32.030(G) of the Toledo Municipal Code is amended to read as follows:

17.32.030 Conditional uses permitted.

- G. Parking lot associated with a permitted or conditional use in the W-D zone

SECTION 13.

§17.32.030(K) of the Toledo Municipal Code is amended to read as follows:

17.32.030 Conditional uses permitted.

- K. Structural shoreline stabilization as defined in the Lincoln County Estuary Management Plan as amended from time to time.

SECTION 14.

§17.32.040 of the Toledo Municipal Code is amended to read as follows:

17.32.040 Other uses permitted.

A permitted or conditional use as specified within Management Unit Numbers 12, 25, 30, 31, 32, and 33 as contained within the Lincoln County Estuary Management Plan, which is hereby incorporated into this section by reference.

SECTION 15.

§17.44.060 is added to the Toledo Municipal Code, to read as follows

17.44.060. Delivery and Loading Facilities.

Within the Industrial and Light-Industrial Zones, delivery and loading facilities are not permitted in required setback areas. On lots abutting parcels zoned General Residential or Single-Family Residential, delivery and loading facilities shall be set back a minimum of 25 feet from abutting property lines.

SECTION 16.

§17.64.040 of the Toledo Municipal Code is amended to read as follows:

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.
- 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.

SECTION 17.

§17.64.050 of the Toledo Municipal Code is amended to read as follows:

17.64.050 Standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

- A. In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:
 - 1. The site under consideration is suitable for the proposed use considering:
 - a. The size, design and operating characteristics of the use.
 - b. The adequacy of transportation access to the site.
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.
 - 2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.
- B. Utility Substation or Pumping Station. The minimum lot size in the applicable zone may be waived only on finding that the waiver will not result in noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site. Such development shall be fenced and landscaped as required by the planning commission.
- C. Processing and manufacturing operations.
 - 1. The facility shall not abut a property zoned General Residential or Single-Family Residential.
 - 2. The processor shall operate in a wholly enclosed building, except for incidental storage.
 - 3. A processing facility shall be no larger than 40,000 square feet.
 - 4. The processing facility may not shred, compact, or bale ferrous metals other than food and beverage containers.
- D. Waste transfer, recycling facility, or scrap metal facility.
 - 1. Facilities must be fenced and shall be secured from unauthorized entry and the removal of materials when attendants are not present.
 - 2. Facilities and storage shall be located no closer than 30 feet from any property line.
 - 3. Hours of operation shall be established, and the facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
 - 4. The site shall be maintained free of litter, odors, pests, and any other undesirable material, and shall be cleaned of loose debris on a daily basis.
 - 5. Space shall be provided on the site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.
 - 6. Containers provided for after-hours donations of recyclable materials shall be at least fifty (50) feet from any property zoned General Residential or Single-Family Residential, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or

the removal of materials.

7. Donation areas shall be kept free of litter, odors, pests, and any other undesirable material. The containers shall be clearly marked to identify the type of material, which may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

SECTION 18.

§17.64.060 of the Toledo Municipal Code is amended to read as follows:

17.64.060 Time limit on approval of a conditional use.

- A. Except as provided in subsection B of this section, authorization of a conditional use shall be void after one year if a building permit has not been issued or development has not begun.
- B. The authorization may be extended by the planning commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

SECTION 19.

§17.64.070 of the Toledo Municipal Code is repealed.

SECTION 20.

§1.08.010(A) of the Toledo Municipal Code is amended to read as follows (with the Comprehensive Land Use Plan text language amended on November 7, 2012 attached as Exhibit A of this ordinance for reference):

1.08.010 Documents adopted.

- A. The 2020 Vision for Toledo (The 2000 Toledo Comprehensive Land Use Plan) dated April 4, 2001, as amended November 7, 2012 by Ordinance 1345.

SECTION 21.

Code Section 1.08.010(C) is amended to read as follows (with the Comprehensive Land Use Plan text language amended on November 7, 2012 attached as Exhibit B of this ordinance for reference):

1.08.010 Documents adopted.

- C. The 2000 Toledo Comprehensive Land Use Plan Inventory dated April 4, 2001, including updated narrative information, maps, and referenced documents developed to fulfill the requirements of the 1995 order for periodic review, and as amended November 7, 2012 by Ordinance 1345.

APPROVED AND ADOPTED by the City Council of the City of Toledo, Oregon on this

7th day of November, 2012:

APPROVED by the Mayor of the City of Toledo, Oregon, on this 13th day of November, 2012.

APPROVED


Ralph Grutzmacher, Mayor

ATTEST:

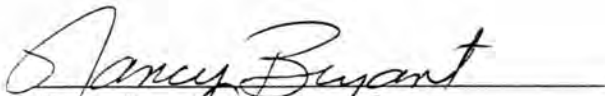

Nancy Bryant, City Recorder

EXHIBIT "A"

WHEREAS, in order to be consistent with the Toledo Zoning Ordinance, the City of Toledo must make text amendment changes to the 2000 Toledo Comprehensive Land Use Plan purpose statements in the Light Industrial and Industrial Zone designations;

WHEREAS, the proposed text amendment is in compliance with the Oregon Statewide Planning Goals and Guidelines and conforms with the amendment requirements in the Toledo Municipal Code and Comprehensive Land Use Plan.

NOW, THEREFORE, the following amendments are adopted into the Toledo Comprehensive Land Use Plan:

SECTION 1:

Toledo Comprehensive Land Use Plan; Article 2, Objectives (2)(B) Light-Industrial (L-I), is amended to read as follows:

The purpose of the Light Industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing areas to serve a variety of manufacturing and other industrial activities with limited external impacts and to serve as a transition area between commercial and residential uses and heavier industrial uses.

Uses permitted in the Light Industrial zone are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. The external impact from these uses is generally less than uses permitted in the Industrial zone, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage, delivery, and loading. Offices and commercial uses are permitted on a limited basis, and only in conjunction with a permitted Light Industrial use.

SECTION 2:

Toledo Comprehensive Plan; Article 2, Objectives (2)(B) Industrial (I), is amended to read as follows:

The purpose of the Industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing sufficient, desirable land in the city for the expansion of existing industrial sites and for the construction and development of new industry. The Industrial zone is intended to serve a range of manufacturing uses which may have significant external impacts. Uses permitted in the Industrial zone often have transportation needs that include both rail and truck. Less intensive industrial uses that are permitted in the Light Industrial zone are also permitted.

EXHIBIT "B"

WHEREAS, the Toledo Economic Opportunities Analysis document was finalized in 2011 and has been found to be a valuable tool for land use planning and economic development;

WHEREAS, the City of Toledo proposes to update the 2000 Toledo Comprehensive Land Use Plan Inventory text in Article 9-Economic Development to reflect the newly created Economic Opportunities Analysis;

WHEREAS, the proposed text amendments are in compliance with the Oregon Statewide Planning Goals and Guidelines and conforms with the amendment requirements in the Toledo Municipal Code and Comprehensive Land Use Plan.

NOW, THEREFORE, the following amendments are adopted into the Toledo Comprehensive Land Use Plan Inventory document:

SECTION 1:

Toledo Comprehensive Land Use Plan Inventory; Article 9, 4th Paragraph, is amended to read as follows:

Since the mid-1980's, the City of Toledo has been playing an active role in economic development. The City of Toledo has been in the process of developing an industrial park on the property donated to the City by Georgia-Pacific in 1986. Guidance for the development of the Toledo Industrial Park has come from a master plan developed in 1988 and an update to the master plan in 1995. Additional guidance to the development of the Toledo Industrial Park has been provided through the completion of a 2010 Economic Opportunities Analysis (EOA) document which was completed for the City of Toledo by the Cascade West Council of Governments. The updated review of the Toledo Industrial Park was made possible by a grant from the Oregon Department of Land Conservation and Development to provide technical assistance to study and make recommendations for the industrial zoned lands. Based on the analysis completed in the EOA document, all Industrial and Water-Dependent zones within the Toledo Industrial Park were changed to the Light-Industrial zone. This was done in an effort to provide a more uniformed Industrial Park that will serve as a transition area between commercial and residential uses and heavier industrial uses. The Toledo Industrial Park now includes land zoned primarily for Light-Industrial uses, as well as some commercial uses. The Toledo Industrial Park lots that include Memorial Field and adjacent parking will likely be sold after the creation of a replacement facility for the community events and other uses that now use Memorial Field property, has been sold or is currently in the process of being sold.

SECTION 2:

Toledo Comprehensive Land Use Plan Inventory, Article 9, Relevant Background Materials shall include the following document:

- 2010 Toledo Economic Opportunities Analysis (prepared by the Cascade West Council of Governments).

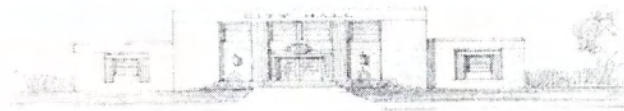
POSTAGE DUE .85



DEPT OF

NOV 19 2012

LAND CONSERVATION
AND DEVELOPMENT



CITY OF TOLEDO
City Hall - 206 N. Main Street
P.O. Box 220, Toledo, Oregon 97391

TO:

ATTN: PLAN AMENDMENT SPECIALIST
D L C D
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

