



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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First Floor/Coastal Fax: (503) 378-6033

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

March 15, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Toledo Plan Amendment
DLCD File Number 002-05

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: March 29, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Laren Woolley, DLCD Regional Representative
Pete Wall, City of Toledo

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DLCD NOTICE OF ADOPTION

MAR 10 2006

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction City of Toledo

Local File No.: ZOA-1-06 (If no number, use none)

Date of Adoption March 1, 2006 (Must be filled in)

Date Mailed: March 8, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 22, 2005

- Comprehensive Plan Text Amendment
X Land Use Regulation Amendment
X New Land Use Regulation
Comprehensive Plan Map
Zoning Map Amendment
Other: (Please Specify Type or Action)

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

Amend the time limit for temporary vendors/seasonal uses in the Commercial and Light-Industrial zones and add "temporary street vendors/seasonal commercial uses not to exceed six months" as an outright use in the Industrial zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same.

Plan Map Change from: NA to NA

Zone Map Change from: NA to NA

Location: NA Acres Involved: NA

Specific Change in Density: Current: Proposed:

Applicable Statewide Planning Goals: #9

Was an Exception Adopted? Yes: No: X

DLCD No.: 002-05(14899)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:
If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments, or Special Districts: City of Toledo

Local Contact: Pete Wall Area Code + Phone Number: (541)336-2247 x 211

Address: P.O. Box 220 FAX 541/336-3512

City: Toledo, Oregon Zip Code + 4: 97391-0220

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** by DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18
and Senate Bill 543 and effective on June 30, 1999.

1. **Send this Form and TWO (2) Copies** of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bound please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD no later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plans adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only**; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to **Larry.French@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1311

AN ORDINANCE AMENDING ORDINANCE 1286 (TOLEDO MUNICIPAL CODE TITLE 17) TO REVISE AND ESTABLISH 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 acknowledge 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, this will provide consistency with proposed changes to Toledo Municipal Code Chapter 8.08 (Temporary Uses and Structures and Recreational Vehicles);

WHEREAS, the community development department has requested updates;

WHEREAS, the Toledo Planning Commission prepared a draft of the zoning ordinance revisions to be considered by the City Council and a public hearing was held on February 8, 2006, at which time, the Planning Commission sent forward the proposed zoning ordinance revisions to the City Council for a public hearing and adoption,

WHEREAS, the City Council held a public hearing after proper notification on the proposed zoning ordinance revisions on March 1, 2006, and the City Council has determined that a zoning ordinance revision is in the best interest of the citizens of Toledo,

WHEREAS, implementation of the zoning ordinance revisions as soon as possible is in the public interest and necessary for the peace, health, convenience, and safety of the inhabitants of the City of Toledo,

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

Section 1. Code Section 17.16.020(L) is amended to read as follows:

"L. Temporary street vendors/seasonal commercial uses not to exceed six months."

Section 2. Code Section 17.20.020(Q) is amended to read as follows:

"Q. Temporary street vendors/seasonal commercial uses not to exceed six months."

Section 3. Code Section 17.24.020 shall be amended, adding the following item:

"R. Temporary street vendors/seasonal commercial uses not to exceed six months."

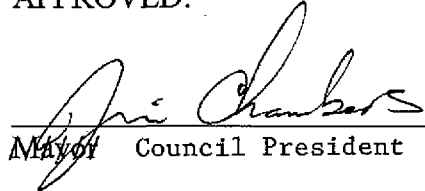
Section 4. Emergency Clause. Inasmuch as the provisions herein contained are necessary for the preservation of the peace, health, convenience, and safety of the inhabitants of the City of Toledo, Lincoln County, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the City Council of the City of Toledo, Lincoln County, Oregon, on the 1st of March, 2006.

ATTEST:

APPROVED:


City Recorder


Mayor Council President