



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

January 12, 2007

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 002-06



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: January 26, 2007

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

<paa> ya/

FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

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)

JAN 08 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction City of Toledo Local File No.: AX-2-06/RZ-2-06 (If no number, use none)

Date of Adoption January 3, 2007 (Must be filled in) Date Mailed: January 5, 2007 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 6, 2006

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

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

Annex approximately .75 acres into the City limits. Upon annexation, rezone the site to designate the property Single-Family Residential.

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."

An Emergency Clause was added to the proposed ordinance to make the annexation effective immediately.

Plan Map Change from: UGB Low Density Residential to City Single-Family Residential

Zone Map Change from: County R-1 to City Single-Family Residential

Location: NE Wagon Road Acres Involved: .75 acres

Specific Change in Density: Current: N/A Proposed: N/A

Applicable Statewide Planning Goals: #2, #10, and #14

Was an Exception Adopted? Yes: No: X

DLCD No.: 002-06(15616)

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,

Port of Toledo, Lincoln County, Toledo Rural Fire Protection District, and Library District

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. 1315

AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF REAL PROPERTY, THE WITHDRAWAL FROM TOLEDO RURAL FIRE PROTECTION DISTRICT AND THE LINCOLN COUNTY LIBRARY DISTRICT CERTAIN REAL PROPERTY BEING ANNEXED TO THE CITY OF TOLEDO, OREGON, AND DECLARING AN EMERGENCY

WHEREAS, on September 14, 2006, Paul and Mereline Schneidecker filed a written request for annexation of property located on NE Wagon Road (Assessor's Map #11-10-08-BD Tax Lot 800—approximately .75 acres) that is outside the city limits but is contiguous to the city limits of the City of Toledo,

WHEREAS, On September 14, 2006, in addition to the annexation request, the property owner of Assessor's 11-10-08-BD Tax Lot 800 also filed a request to rezone the .75 acre parcel of the property from County R-1 (Residential) to City Single-Family Residential consistent with the 2000 Toledo Comprehensive Land Use Plan Map,

WHEREAS, the applicant's proposal includes a single-family residential use on the site and a request for a sewer exception. A single-family house is expected to generate low daily trip numbers.

WHEREAS, the Planning Commission held public hearings on November 8, 2006, and December 13, 2006, on the proposed annexation and rezone (local file #AX-2-06/RZ-02-06) to consider and make a recommendation on the proposed annexation and rezone to the City Council,

WHEREAS, the City Council held a public hearing on January 3, 2007, to consider and take action on the annexation and rezone request, and the City Council adopted facts and findings on the request as set forth in the staff report,

WHEREAS, before annexation, the property was located within the boundaries of the Toledo Rural Fire Protection District and the Lincoln County Library District, and

WHEREAS, the City Council held a public hearing on January 3, 2007, for the purpose of hearing any objections to the withdrawal of the property from the Toledo Rural Fire Protection District and the Lincoln County Library District,

WHEREAS, implementation of the ordinance 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. The following described property located in Toledo, Oregon which is identified as the parcel designation as Lincoln County Assessor's Map # 11-10-08-BD Tax Lot 800, and as

described below is annexed to the City of Toledo, Oregon:

Beginning at an iron rod, shown as set on county survey 17787, marking the northwest corner of Parcel 2, as described in instrument recorded March 25, 2005, Document 200504437, Microfilm Records, said iron rod being north 869.50 feet and east 510.50 feet from the southeast corner of the southwest one quarter of the northwest one quarter of Section 8, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon; thence north 175.0 feet; thence east 149.50 feet; thence south 218.00 feet; thence west 149.50 feet; thence north 43.0 feet to the point of beginning.

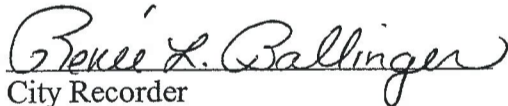
Section 2. The property identified as Lincoln County Assessor's Map # 11-10-08-BD Tax Lot 800 (approximately .75 acres) is rezoned from the County R-1 (Residential) designation to the Toledo Comprehensive Land Use Plan and Zoning Map designation of Single-Family Residential.

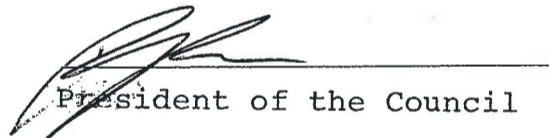
Section 3. The described property in Section 1 is withdrawn from the Toledo Rural Fire Protection District and the Lincoln County Library District.

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 3rd day of January, 2007.

ATTEST:


City Recorder


President of the Council

SE 1/4 NW 1/4 SECTION 8 T11S R LINCOLN COUNTY

1" = 100'

ED FOR
ONLY

SEE MAP 11 10 08

