



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

August 15, 2008



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 001-08

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: August 28, 2008

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
Michelle Amberg, City of Toledo

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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

In person electronic mailed

DEPT OF

AUG 08 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Toledo**

Local file number: **AX-1-08/RZ-1-08**

Date of Adoption: **8/6/2008**

Date Mailed: **8/7/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/22/2008**

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Annex 1.81 acres into the City limits and rezone the property from County R-1 designation to City zone designation of Single-Family Residential.

Does the Adoption differ from proposal? **No, no explanation is necessary**

Plan Map Changed from: **UGB Low Denisty Residential**
 Zone Map Changed from: **UGB Low Density Residential**
 Location: **542 NW Aspen Street**

to: **City Single-Family Residential**
 to: **City Single-Family Residential**
 Acres Involved: **1.81**

Specify Density: Previous: **Low**

New: **Low**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- | | | |
|--|---|-----------------------------|
| 45-days prior to first evidentiary hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD file No. 001-08 (16909)

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

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

Local Contact: **Michelle Amberg, City Manager**

Phone: (541) 336-2247 Extension: 211

Address: **PO Box 220**

Fax Number: 541-336-3512

City: **Toledo**

Zip: **97391**

E-mail Address: **manager@cityoftoledo.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies (documents and maps) 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. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not 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 plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1321

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 May 20, 2008, Keith and Carol Edwards filed a written request for annexation of property located at 542 NW Aspen Street (Assessor's Map #11-10-07-A Tax Lot 402 – approximately 1.81 acres) that is outside the city limits but is contiguous to the city limits of the City of Toledo,

WHEREAS, On May 20, 2008, in addition to the annexation request, the property owner of Assessor's 11-10-07-A Tax Lot 402 also filed a request to rezone the 1.81 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 Planning Commission held a public hearing on July 9, 2008, on the proposed annexation and rezone (local file #AX-1-08/RZ-1-08) 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 August 6, 2008, 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,

WHEREAS, the City Council held a public hearing on August 6, 2008, 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, and

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 # 11-10-07-A Tax Lot 402, commonly known as 542 NW Aspen Street, and as described below is annexed to the City of Toledo, Oregon:

A parcel of land lying in the Northeast quarter of Section 7, T 11S, R 10 W. of the Willamette Meridian in Lincoln County, Oregon, and being more particularly

described as follows:

Beginning at an iron bolt set for the southwesterly corner of the Walter Leech tract as described in Book 282, page 159 Deed Records for Lincoln County, said point being 1103.50 feet south and 201.66 feet east of the Meander Corner on the left bank of Depot Slough on the North line of said Section 7, as calculated from the calls described in Book 282, page 159, Deed Records for Lincoln County; thence north, 223.60 feet; thence east, 511.50 feet, more or less, to the right-of-way line of County Road No. 565; thence south 68°02' west, 70 feet along the northerly edge of said County Road; thence south 34°38' west, 208.6 feet along the northwesterly edge of said County Road; thence south 17°18' west, 27 feet along the westerly edge of said County Road; thence west, 320 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM, any portion of the above described tract falling within the right-of-way boundaries of County Road No. 565.

Section 2. The property identified as 542 NW Aspen Street, Lincoln County Assessor's Map # 11-10-07-A Tax Lot 402 (approximately 1.81 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.

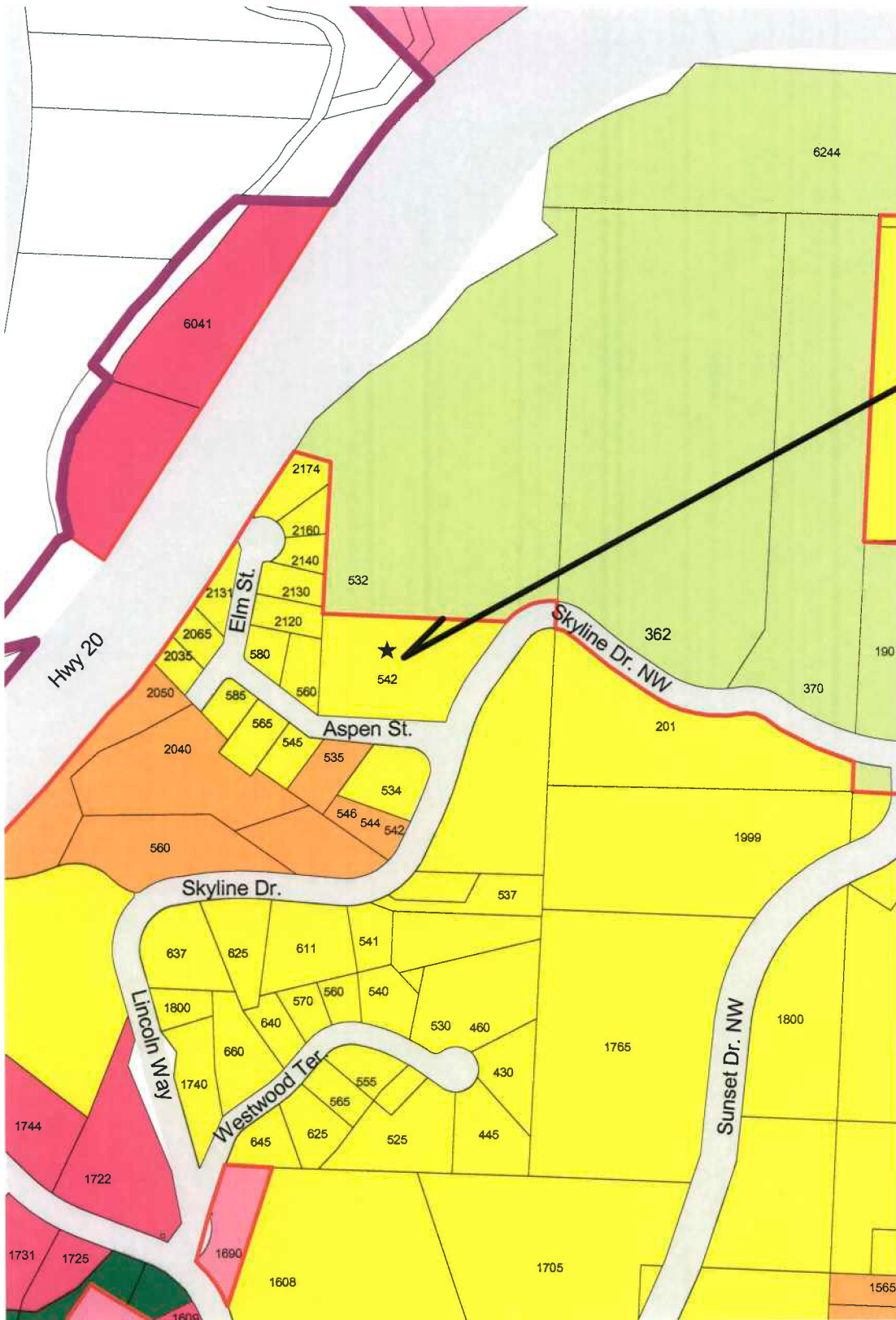
PASSED AND ADOPTED by the City Council of the City of Toledo, Lincoln County, Oregon, on the 6th day of August, 2008.

ATTEST:


City Recorder

APPROVED:


Mayor



Annexation and Rezone
 Approved by
 City of Toledo
 Ordinance #1321
 August 6, 2008

Address:
 542 NW Aspen St.

Comp Plan Designation:
 Single-Family
 Residential Zone

Zoning Map Designation:
 Single-Family
 Residential Zone

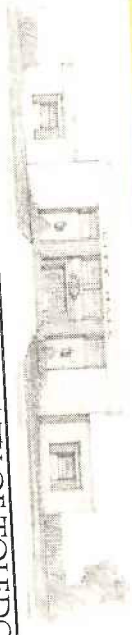
Acres:
 1.81 ac.

City File No.:
 AX-1-08
 RZ-1-08

prepared 8/7/08

- UGB
 - City Limits
 - Parcels
 - Streets
- Comprehensive Plan
- Commercial
 - Industrial
 - Light Industrial
 - Natural Resources
 - Public Lands
 - Residential General
 - Residential Single
 - Water Dependent
- Outside UGB
- UGB Commercial
 - UGB Industrial
 - UGB Low Density Residential
 - UGB Medium Density Residential
 - UGB Natural Resources
 - UGB Public Lands
 - UGB Water Dependent





CITY OF TOLEDO

City Hall - 206 N. Main Street

P.O. Box 220, Toledo, Oregon 97391

TO:

ATTN: PLAN AMENDMENT SPECIALIST

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635 CAPITOL STREET NE, SUITE 150

SALEM, OREGON 97301-2540



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