

91-020

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE NO. 337

AN ORDINANCE AMENDING THE CITY OF TOLEDO'S URBAN GROWTH BOUNDARY ON PROPERTY IDENTIFIED AS TAX LOTS 600, 1100, AND 1200, LINCOLN COUNTY ASSESSOR'S MAP 11-10-7; AND TAX LOTS 2500, 2501, 2502, 2503, 2603, 2700, AND 2701, LINCOLN COUNTY ASSESSOR'S MAP 11-10-7A; AND DECLARING AN EMERGENCY

WHEREAS after public hearing as required by law, the Lincoln County Planning Commission voted to recommend approval of a request to amend the City of Toledo's Urban Growth Boundary to include approximately 36.5 acres owned by Dahl and Dahl, Inc.; and

WHEREAS the subject property is identified as Tax Lots 600, 1100 and 1200, Lincoln County Assessor's Map 11-10-7; and Tax Lots 2500, 2501, 2502, 2503, 2603, 2700, and 2701, Lincoln County Assessor's Map 11-10-7A; and

WHEREAS the decision and recommendation of the Planning Commission was not appealed and, therefore, the Board need not hold another public hearing;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. That the City of Toledo's Urban Growth Boundary is hereby amended to include approximately 36.5 acres identified as Tax Lots 600, 1100 and 1200, Lincoln County Assessor's Map 11-10-7; and Tax Lots 2500, 2501, 2502, 2503, 2603, 2700, and 2701, Lincoln County Assessor's Map 11-10-7A; further identified on the map attached hereto as Exhibit "A".

2. That the findings and conclusions supporting these actions are adopted as set forth in Exhibit "B" attached hereto and incorporated herein.

3. That copies of this ordinance be forwarded to the applicants City of Toledo and Dahl and Dahl, Inc.; County Surveyor; County Assessor; County Counsel; and Department of Planning and Development.

4. That the Department of Planning and Development amend the official maps in the Lincoln County Clerk's Office.

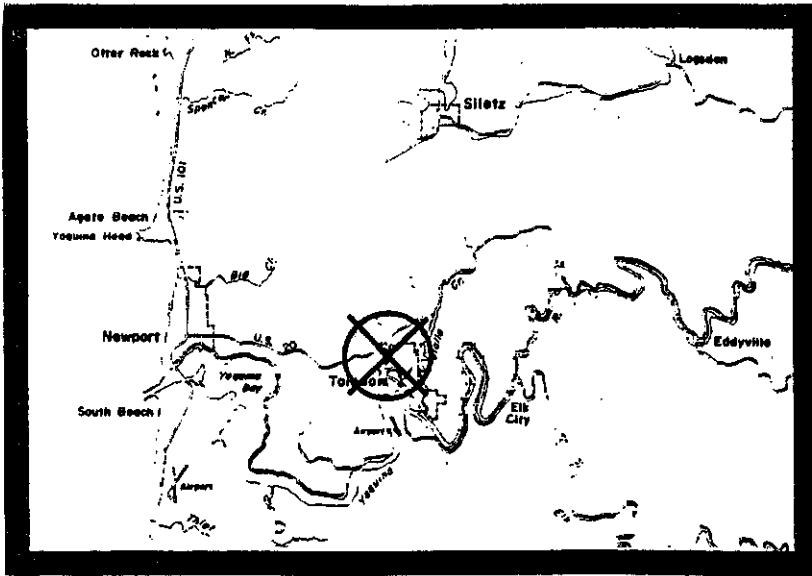
5. That the Lincoln County Department of Planning and Development forward a copy of this ordinance to the Department of Land Conservation and Development.

Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, Oregon 97365  
Phone: 265-4108

*[Handwritten signatures and initials]*



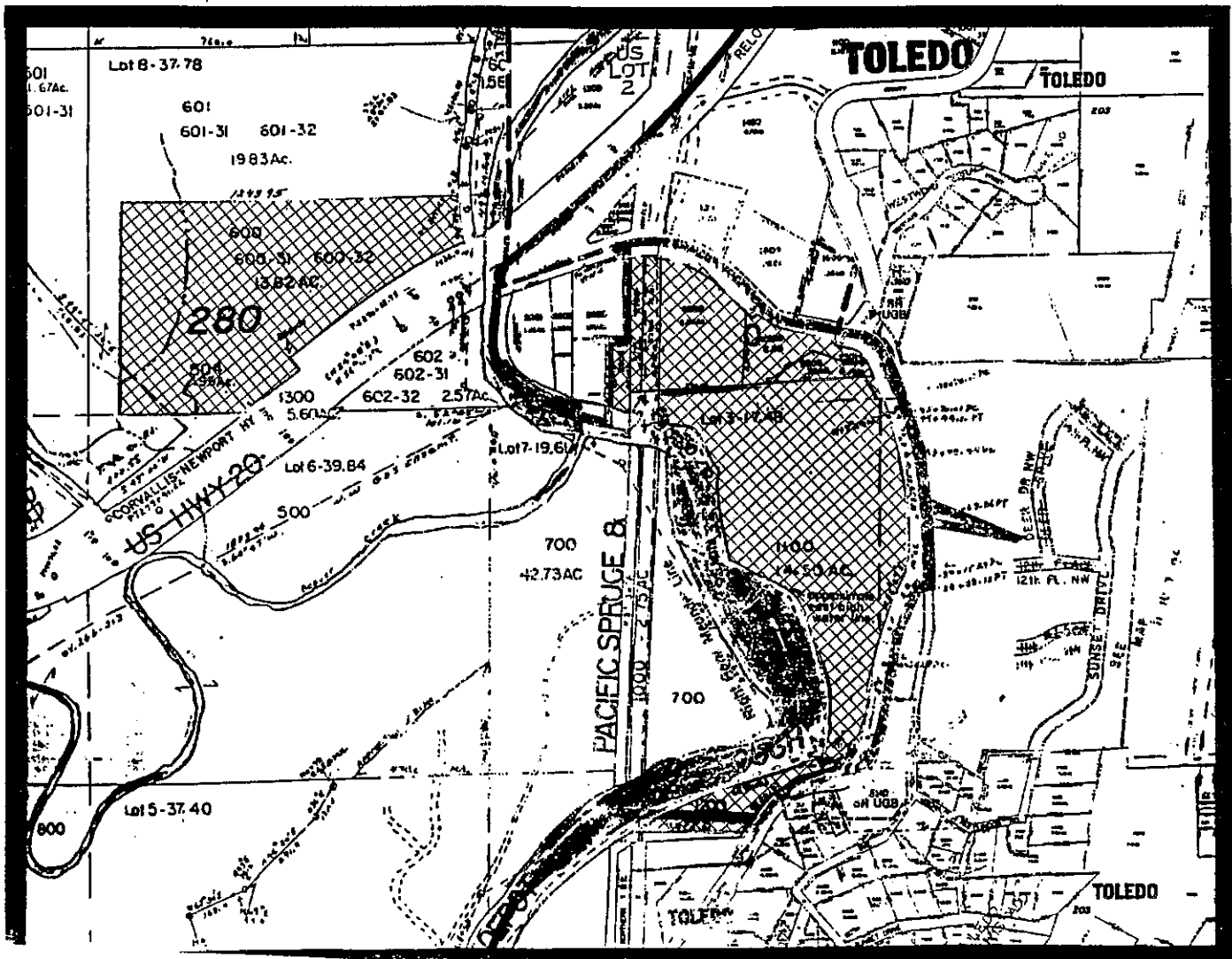
# SITE MAP



# 1-LUPC-94

CITY OF TOLEDO

# LOCATION MAP



BEFORE THE CITY COUNCIL OF THE CITY OF TOLEDO, OREGON

In the Matter of the Request for )  
an Extension of the Toledo )  
Urban Growth Boundary )  
)  
) ORDER  
)  
City of Toledo, )  
Applicant. )

This matter came before the Planning Commission on May 12, 1993, continued to July 14, 1993, continued to August 11, 1993, and came before the City Council on October 18, 1993. The Planning Commission and City Council each held a public hearing, allowing for testimony and introduction of evidence from proponents, opponents, and others. The City Council adopted findings of fact concerning this particular application, included here:

- The properties are located on the northwest side of Toledo beginning just north of Holliday Cabinets at 805 Highway 20 generally following the highway north, crossing back and forth east to west, to Henarie Trucking and Merle's Tire Store at 1787 NW Highway 20. The proposal includes the following properties:

11-10-07:	Tax Lots - 1100, 1200
11-10-07-01:	Tax Lots - 1600, 2500, 2501, 2502, 2503, 2603, 2700
11-10-07-14:	Tax Lots - 2000
11-10-07-43:	Tax Lots - 100, 200, 300, 400, 500, 600
11-10-07-44:	Tax Lots - 5700
- The plan designation includes Residential, Agricultural Land, and Commercial.
- County zone designation Residential R-1, Agriculture Conservation, and Commercial C-2.
- The existing structures are single family houses and commercial businesses.

- City sewer lines are currently available to about two thirds of the properties within the expansion area. Upon annexation, services can be provided either through main line extensions or individual pump systems to the existing line.
- Currently, the properties in this area have either no sewage disposal systems or septic tanks. Hydric soils in the area present a problem for septic systems.
- The availability of an adequate supply of water and sewer service for the growth being experienced has caused a significant change in conditions since the adoption of the Comprehensive Plan. The City Council has adopted a policy of no additional water and sewer services outside of the City limits, resulting in an increase in the number of properties requesting annexation.
- The availability of adequate access to all properties promotes the most efficient and safe use of existing infrastructure and energy. Business Highway 20 and Dundon Road serve as the primary access to the properties.
- ODOT has stated their support for the proposal stating that the proposed expansion will not adversely affect the state highway system, reserving their right to make further comments on any further changes or development.
- Infill, heavy reliance on septic systems and the proximity of City services make expansion of these properties environmentally appropriate.
- The ability to coordinate growth in this area will facilitate more efficient, cooperative planning.
- A new ODOT access permit will be required for any change of use that requires access onto Business Highway 20.
- No additional traffic will be generated from the proposed UGB expansion.
- DLCD has stated they believe the proposed expansion is justified based on existing development and the urban services already provided to the area.
- City services , including Fire, Police, and Library services, will not be adversely effected by the expansion of the UGB.
- The wetlands have be inventoried in the area and will be included in the Goal 5 element of the Comprehensive Plan during the ongoing Periodic Review.



- The availability of adequate potable water has caused a significant change in conditions since the adoption of the Comprehensive Plan. The Morse Batch plant pumped water out of the adjoining creek for water. There is no well on this site.
- The property houses an existing business, which has been approved by the County. Evaluation of alternative vacant sites within the City limits and the UGB prior to locating at the present location indicated that no other property adequately met the needs of this applicant.
- The applicant must operate the activity on the site with the necessary environmental permits from DEQ. This authorization ensures protection of water resources on and near the property.
- The containment of the transfer station and recycling center in the proposed buildings will help to minimize noise and odor from nearby properties.
- The proposed use will not interfere with, or reduce the amount of, natural resource activity in the area.
- The Comprehensive Plan supports the need for a more comprehensive commercial sector, with diversification as a stated goal. The Plan also acknowledges the need for amending the Plan as conditions change in the economic projections. The lack of available commercial and industrial land has been documented in the Plan inventory.
- The Highway Department's objections do not specify which application raises specific areas of concern, but rather it implies that all of its concerns apply equally to both properties. The Department has recently stated that its primary concerns were over the Wetten application. It now has little concern regarding Mr. Dahl's application.
- The letter indicates that at least 86 acres are proposed for inclusion in the Toledo UGB. Applicant is requesting that only 13.82 acres be included in the UGB.
- Of the 13.82 acres, approximately 10 acres will be zoned Natural Resources (NR). This city zoning designation is equivalent to the county's current Timber Conservation (T-C) zoning designation for this property.
- Because the city is designating nearly 10 acres as Natural Resources, no change in the land use will occur on these 10 acres.

- No additional access points will be created along Highway 20 because Applicant will be utilizing a pre-existing, pre-approved highway access.
- By issuing an access permit, ODOT concluded that requiring access to Highway 20 from another roadway with a lower functional classification was not reasonably available.
- In a letter from Lewis Morehead to Dahl Disposal, dated July 24, 1992, ODOT specifically evaluated secondary roads as a means of gaining access to Highway 20. This letter recommends utilizing the existing highway access.
- In December 1992, applicant was granted a conditional use permit by the Lincoln County Board of Commissioners to allow the waste transfer station to be constructed. During that proceeding ODOT stated: "In concept we would have no objection to the proposed use with regards to traffic flow."
- Pursuant to issues raised in October, November and December of 1992, Applicant has met with ODOT officials and complied with their requests to ensure that access and highway safety issues have been adequately addressed.
- The proposed site use will result in approximately 30 vehicles per day utilizing the waste transfer station facility.
- This daily vehicular use is similar in scale and intensity to that of the concrete batch plant.
- The Highway Division, through Mr. deTar's letter, expresses concern that the proposed site use will "significantly affect" Highway 20 and other nearby state roadways.
- Oregon Administrative Rule 660-12-060(2) identifies a significant affect to a transportation facility by a plan or land use amendment as one which:
  - (a) changes the functional classification of an existing or planned transportation facility;
  - (b) Changes standards implementing a functional classification system;
  - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

- Extending the UGB to include Applicant's property will not degrade or reduce the efficiency of Highway 20's primary function, because the type and volume of traffic accessing Highway 20 from the subject property will be unchanged from Morse Brother's prior use of the site.
- The city's objective is the same as ODOT's, safe and efficient traffic flow with limited interruptions of flow. The only change in the property use is site development, which does not contradict the objectives of the state and the city.
- The secondary function of Highway 20 is to link intra-urban and intra-region trips; this function is unaffected by the proposed land use and extension of the UGB.
- The Highway Division letter raises issues concerning Highway Business Route 20 and Highway 229. These issues are inapplicable to Applicant's request for annexation and extension of the UGB because the subject property has a permit from ODOT to access Highway 20.
- No additional traffic will be generated from Applicant's proposed land use.
- Extending the UGB to include applicant's property will have no effect on access spacing standards applicable to Highway 20, Highway Business Route 20 and Highway 229.
- Extending the UGB to include Applicant's property will not affect any other modes of transportation available within the city.
- The city's exploration of possible pedestrian and bicycle routes will be unaffected by the proposed UGB expansion.
- The city's existing transportation system will continue to accommodate multiple modes of transportation within the East-West corridor system as defined by ODOT.
- Applicant's property will allow ease of use for public and private uses, thereby creating a reliable and accessible facility for the entire city.
- At this time, the principal modes of transportation necessary to access the subject property are automobile and heavy trucks. This site and land use do not lend themselves to other modes of transportation.

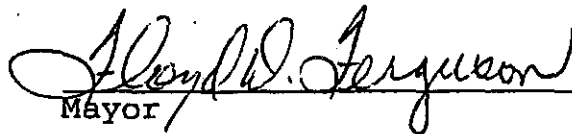
- The subject property currently has no sewer or water access.
- Currently the subject property may be served only by septic systems.
- Septic systems experience functioning problems due to hydric soils on subject property.
- Annexation and extension of the UGB to include the subject property will allow the city to control an efficient sewage disposal system.
- The subject property has no on-site potable water.
- The prior land owner, Morse Brothers, pumped water from an adjoining creek to supply the property's water needs.
- The subject property has no well.
- Annexation and extension of the UGB to include the subject property will allow city water service to extend to the property.
- Annexation and extension of the UGB to include the subject property will allow city police to ensure facility security.
- Currently, the subject property is within the Toledo Rural Fire Protection District which utilizes one water tanker.
- Extending urban services to the subject property would enable a fire hydrant to be installed on the subject property. The subject property would be within the city fire district.
- Currently, the UGB extends north of Highway 20.
- Extending the UGB to include the subject property would not increase the pressure for additional urban development on the north side of Highway 20.
- The subject property is bounded on the west and southwest by wetlands, making urban development in that direction undesirable.
- To the east is a low-lying area unsuitable for development.

- Annexation of subject property will allow the city to manage vehicular entrance into the city more efficiently, increase health and safety by extending city sewer and water to areas of existing and future development; and allow mutual cooperation with the county on future land use decisions in this area.

Based on these facts, the City Council determined that the application meets the criteria for an as stated in Section 84 - 3(b)(c) and (d), of the Toledo Zoning Ordinance Number 1147, the Toledo Comprehensive Plan, and all statewide planning goals, specifically 2, 4, 5, 9, 12, and 14.

IT IS ORDERED that the request for an extension of the Toledo Urban Growth Boundary in this matter is granted.

DATE: 8-20-93

  
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Mayor