

1                                   **BEFORE THE BOARD OF COMMISSIONERS**

2                                   **FOR LINCOLN COUNTY, OREGON**

3                                   ORDINANCE #410

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6       **Amending the Urban Growth Boundary for the City of Toledo to include approximately**  
7       **1.5 acres of land identified as Tax Lot 1002, Lincoln County Assessor's Map 11-10-7A,**  
8       **and declaring an emergency.**  
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10           WHEREAS the City of Toledo, as part of its periodic review Work Task #8  
11       (adoption of Amendments to the urban growth boundary where appropriate) has requested  
12       an amendment of its Urban Growth Boundary to include approximately 1.5 acres of land  
13       located north of the City of Toledo, between Highway 20 and Depot Slough, identified on  
14       Lincoln County Assessor's Map 11-10-7A as Tax Lot 1002, File No. 1-LUPC-PC-01; and

15           WHEREAS the Lincoln County Planning Commission, after published and mailed  
16       notice in accordance with the Lincoln County Code, held a hearing on the request and  
17       thereafter voted 6-1 on July 9, 2001, to recommend approval; and

18           WHEREAS the Lincoln County Planning Commission adopted findings, conclusions  
19       and final order on July 23, 2001, recommending approval of the request for an Urban  
20       Growth Boundary amendment for the City of Toledo; and

21           WHEREAS after published and mailed notice in accordance with the Lincoln County  
22       Code, the Lincoln County Board of Commissioners held a public hearing on September 5,  
23       2001, to consider the request; and

24           WHEREAS at the conclusion of that hearing, the Board voted to approve the request  
25       as submitted;

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NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

**SECTION 1.**

The Planning Commission's recommendation is adopted, and the City of Toledo's Urban Growth Boundary is amended to include property identified as approximately 1.5 acres of land located north of the City of Toledo, between Highway 20 and Depot Slough, Tax Lot 1002, Lincoln County Assessor's Map 11-10-7A, further identified on Exhibit 1, attached hereto.

**SECTION 2.**

The findings and conclusions supporting these actions are adopted as set forth in Exhibit 2, attached hereto and incorporated herein.

**SECTION 3.**

The Department of Planning and Development is directed to amend the official maps in the Lincoln County Clerk's Office and shall forward a copy of this ordinance to the Department of Land Conservation and Development.

**SECTION 4.**

Copies of this Ordinance shall be forwarded to the City of Toledo Planning Department, PO Box 220, Toledo, OR 97391; Robert L. & Peggy A. Myres, 350 Sturdevant Road NE, Toledo OR 97391; County Surveyor; County Assessor; County Counsel; and Lincoln County Department of Planning and Development.

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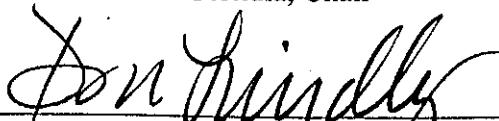
1            **SECTION 5.**

2            This Ordinance being necessary for the immediate preservation of the public peace,  
3            health and safety, an emergency is declared to exist and this Ordinance shall take effect upon  
4            its passage.

DATED this 12th day of September, 2001.


**LINCOLN COUNTY BOARD OF COMMISSIONERS**

  
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Karen L. Gerttula, Chair

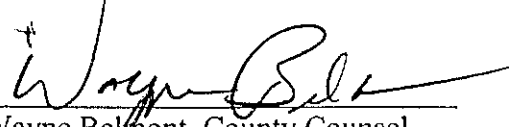
  
\_\_\_\_\_  
Don Lindly, Commissioner

  
\_\_\_\_\_  
Jean Cowan, Commissioner

ATTESTED TO:

  
\_\_\_\_\_  
Susan Kays, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Belmont, County Counsel

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Applicant: City of Toledo

Case File #1-LUPC-PC-01

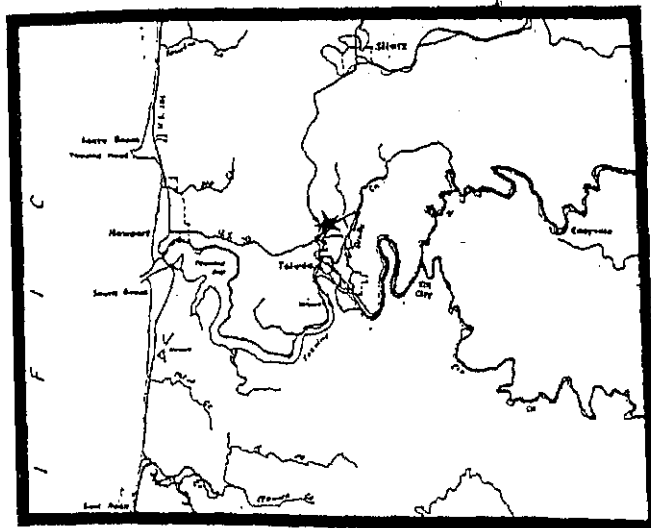
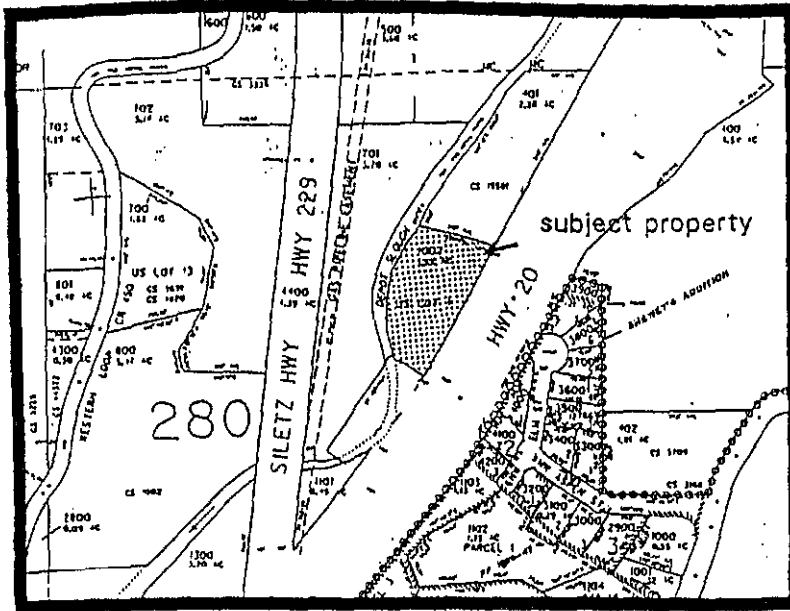


EXHIBIT 1  
Page 1 of 1

Office of Lincoln County Legal Counsel  
225 West Olive Street, Room 110  
Newport, Oregon 97365  
(541) 265-4108

BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

Urban Growth Boundary Map ) Case File #1-LUPC-PC-01  
Amendment; Applicant: City of Toledo ) Findings, Conclusions and  
(property owner; Myers Joint Trust and ) Final Order  
Peggy Myers -

Nature of the Application

As a part of the City of Toledo's periodic review Work Task #8 (adoption of amendments to the urban growth boundary where appropriate), the City requests an amendment to the county's urban growth boundary (UGB) to include approximately 1.5 acres. This proposal is for an amendment to the boundary only. Zoning of the subject property will not change unless or until the property is annexed into the City.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

1. The subject property is 1.5 acres in size.
2. The subject property is located north of the City of Toledo, between Highway 20 and Depot Slough and is further identified on Lincoln County Assessor's map #11-10-7A as tax lot 1002.
3. The subject property is zoned A-C (Agricultural Conservation).
4. The subject property carries a plan designation of Agricultural Land.
5. The subject property is located east of the intersection of Highway 229 and Highway 20, between Highway 20 and Depot Slough. Across Highway 20 to the south is the Dairy Queen, and residential development.

6. The subject property was formerly used by Oregon Department of Transportation as a highway fill site and currently consists of fairly level slopes covered in native vegetation.
7. The subject property is vacant.
8. Urban services would be extended to the property.
9. Depot Slough is identified on the National Wetlands Inventory, and portions of the slough lies within the 100-year floodplain (un-numbered A zone).
10. As ordered by the Land Conservation and Development Commission, the City of Toledo has been undergoing periodic review of their comprehensive plan. The periodic review work program includes Task #8 (adoption of amendments to the urban growth boundary where appropriate). To that end, the City considered the subject property as one, which should be included in the urban growth boundary. The City provided extensive notice of the proposed urban growth boundary amendment to affected agencies, and the public in accordance with proceedings of periodic review. For purposes of completing this work task, the City is required to coordinate the boundary revision with Lincoln County, as the UGB is a common boundary between the city and county. Consequently, the request before the County is for an amendment to the boundary only. Zoning of the subject property would not change unless or until the property is annexed into the City.
11. A public hearing was held on July 9, 2001 before the Lincoln County Planning Commission in consideration of the requested amendment. All interested parties were given an opportunity to testify.
12. The applicant presented testimony on behalf of the request.
13. Ordinance No. 1285, adopted as Findings of Fact by the City of Toledo, amends the City of Toledo Urban Growth Boundary to include the subject property, and at the same time assigns a comprehensive plan designation of "Commercial". The criteria to be assessed under Goal 14, Urbanization, are presented throughout the narrative of the findings. The findings conclude that inclusion of the subject property into the UGB will help meet the projected demand for commercial property. They further find that considering the property is adjacent to the existing UGB (and

adjacent to property already zoned commercial) this is a logical extension and an efficient use of land. Applicant addressed factors dealing with availability of public facilities and services, transportation concerns, patterns of urbanization, and environmental, and economic issues. Through this analysis, the applicant has identified a public need for the subject property's inclusion in the UGB for eventual annexation into the city. A copy of the findings is attached.

14. No comments were received from the Department of Land Conservation and Development.
15. No opposition testimony was entered into the record.
16. All application materials and staff's report are by reference incorporated into the record herein.

Relevant Criteria

- a. Lincoln County Development Code, Section 1.1235, Quasi-Judicial Amendments: A quasi-judicial amendment to the Comprehensive Plan and Zoning Maps may be authorized provided that the proposal satisfies all applicable requirements of this Chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates that:
  - 1) The change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals; and
  - 2) There has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
  - 3) The zoning previously adopted for the area was in error; or
  - 4) There is a public need for the change being sought.
- b. Lincoln County Comprehensive Plan Goals and Policies:  
The following Lincoln County Comprehensive Plan Goals and Policies are pertinent to this proposal:
  1. Land Use Planning Goals (Section 1.0010)
    - (a) To identify activities, issues and problems of land use.
    - (b) To ensure that all growth is orderly and efficient
    - (c) To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land, and to assure an adequate factual basis for such decisions and actions.

2. Urbanization Policies (Section 1.0030).

These policies state that Lincoln County shall work with citizens and cities of Lincoln County in the establishment, maintenance and amendment of urban growth boundaries. Establishment and change of the boundaries shall be based upon consideration of the following factors:

- (a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- (b) Need for housing, employment opportunities, and livability;
- (c) Orderly and economic provision for public facilities and services;
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (e) Environmental, energy, economic and social consequences;
- (f) Retention of agricultural land as defined, with Class VI the lowest priority; and
- (g) Compatibility of the proposed urban uses with nearby agricultural activities.

3. Economic Goals (Section 1.0130)

- (a) To establish an economic planning process in the county.
- (b) To support and encourage the expansion of existing industrial and commercial activities in appropriate locations.
- (c) To support and encourage the creation of new industrial and commercial activities in appropriate locations.
- (d) To recognize the environmental and developmental constraints in expansion of industrial, commercial, and residential activities.
- (e) To improve the average wage in the county
- (f) To improve the quality of employment opportunities in Lincoln County.

4. Transportation Goals (Section 1.0140)

- (a) To plan for a safe, convenient and economic transportation system.
- (b) To provide an efficient and aesthetically pleasing system of public roads.
- (c) To develop a transportation system which enhances the County's economy.
- (d) To encourage energy conserving transportation modes.
- (e) To conserve energy in transportation.

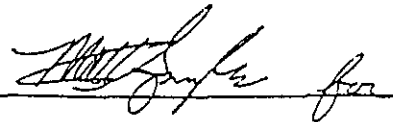
Findings and Conclusions

The Commission finds that the findings and conclusions supporting this action (as presented by the City of Toledo) are adopted as set forth in Exhibit "A" attached hereto and incorporated herein.

Order

It is ORDERED by the Lincoln County Planning Commission that Case File #1-LUPC-PC-01 be APPROVED. This approval serves as a recommendation to the Lincoln County Board of Commissioners.

This ORDER was presented to and approved by the Lincoln County Planning Commission on July 23, 2001.



Sam Galasso, Chair

Lincoln County Planning Commission

EXHIBIT "A"  
ORDINANCE NO. 1285

AN ORDINANCE ADOPTING THE CITY OF TOLEDO COMPREHENSIVE PLAN AND ACCOMPANYING DOCUMENTS AND AMENDING ORDINANCE NO. 1146 AS AMENDED BY ORDINANCE NO. 1151 (CODED AS TOLEDO MUNICIPAL CODE CHAPTER 1.08).

WHEREAS, the Land Conservation and Development Commission of the State of Oregon issued an order to the City of Toledo to conduct periodic review of the existing comprehensive plan adopted in 1982 and acknowledged by the State of Oregon in 1983 and various accompanying documents with a work program approved on September 20, 1995, that included 10 major work tasks: Work Task # 1 - adoption of updated buildable lands inventory; Work Task # 2 - adoption of revised public facilities plan; Work Task # 3 - adoption of new sensitive wildlife habitat inventory; Work Task # 4 - adoption of ordinance provisions to implement geologic hazards policies; Work Task # 5 - adoption of a revised water master plan; Work Task # 6 - adoption of new/amended riparian setbacks in plan and ordinance; Work Task # 7 - adoption of a coordinated watershed management plan with Lincoln County; Work Task # 8 - adoption of amendments to the Urban Growth Boundary where appropriate and an urban growth management agreement with Lincoln County; Work Task # 9 - adoption of updated inventories and policy provisions for the Comprehensive Plan; and, Work Task # 10 - adoption of revisions to the zoning ordinance consistent with the Comprehensive Plan,

WHEREAS, the City of Toledo requested that Work Task # 7 be deleted and the order for periodic review by the State was amended to reflect that deletion on October 8, 1998,

WHEREAS, the City of Toledo completed Work Task # 5 by the adoption of a revised water master plan on May 20, 1998, by Ordinance # 1267, that was acknowledged by the State as completing Work Task # 5 by letter dated December 31, 1998,

WHEREAS, the City of Toledo has worked on completing the requirements of the order for periodic review over the last 5 years with various local, state and federal agencies and with many opportunities for citizen involvement in the process as reflected in the documentation included in the Comprehensive Plan Inventory,

WHEREAS, the Planning Commission (as the City of Toledo's Citizen Involvement Committee) on December 13, 2000, voted 6-0 to forward drafts of the remaining periodic review work tasks to the City Council for public hearings and adoption after holding 51 scheduled public worksessions/meetings since March 12, 1997, to gather information, to evaluate information and policy alternatives, and to draft documents to comply with the order for periodic review,

WHEREAS, the City has encouraged public participation in the periodic review process through the distribution of periodic review public meeting agendas to various governmental agencies, news organizations, and individuals requesting to be kept informed of the process, and through the distribution of the October 2000 City newsletter (Communication Alternative) to all water

utility customers (approximately 1,300 accounts) containing information on the periodic review work tasks, and

WHEREAS, public worksessions/meetings on the remaining periodic review work tasks were held by the City Council on December 6, 2000, and January 3, 2001, and public hearings on the remaining periodic review work tasks were held by the City Council on December 20, 2000, (Work Tasks # 2 and part of # 8), January 24, 2001 (Work Task #s 1, 3, part of # 8, and 9), February 1, 2001 (Work Task #s 4, 6, and 10), allowing for additional public input on the periodic review work tasks following advertisement of dates of hearings in the Newport News-Times, notification to the public/service agency list regularly used by the Community Development Department, and written notification to all 1,259 property owners within the city limits and the urban growth boundary in compliance with Oregon Revised Statutes 227.186 (6),

WHEREAS, the periodic review process has received coverage in the local media including Newport News-Times articles on periodic review and the broadcasting on local cable television of the City Council worksessions and public hearings,

WHEREAS, this proposed Ordinance # 1285 will adopt periodic review Work Task #s 1, 2, 3 (adopted as part of the Comprehensive Plan Inventory), 8 and 9,

WHEREAS, periodic review Work Task # 4 is scheduled for adoption by proposed Ordinance #s 1288 and 1289, Work Task # 6 is scheduled for adoption by proposed Ordinance # 1290, and Work Task # 10 is scheduled for adoption by proposed Ordinance #s 1286 and 1287,

WHEREAS, the City Council has evaluated the periodic review work tasks after receiving public input and has determined that the periodic review work tasks comply with the Oregon Statewide Land Use Planning Goals and implementing administrative rules and that the periodic review work tasks comply with the Land Conservation and Development Commission order for periodic review,

THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Section 1. Toledo Municipal Code Section 1.08.010 is amended to read as follows:

The City of Toledo adopts the following documents as part of its land use plan and to complete requirements of periodic review:

- (a) The 2020 Vision for Toledo (The 2000 Toledo Comprehensive Land Use Plan) dated April 4, 2001,
- (b) The 2000 Toledo Comprehensive Land Use Plan and Zoning Map including the revised Urban Growth Boundary dated April 4, 2001, and
- (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,
- (d) The 1999 Toledo Buildable Lands Inventory dated April 4, 2001,
  - (e) The 2000 Toledo Capital Facilities Plan dated April 4, 2001.

Section 2. Toledo Municipal Code Section 1.08.020 is deleted.

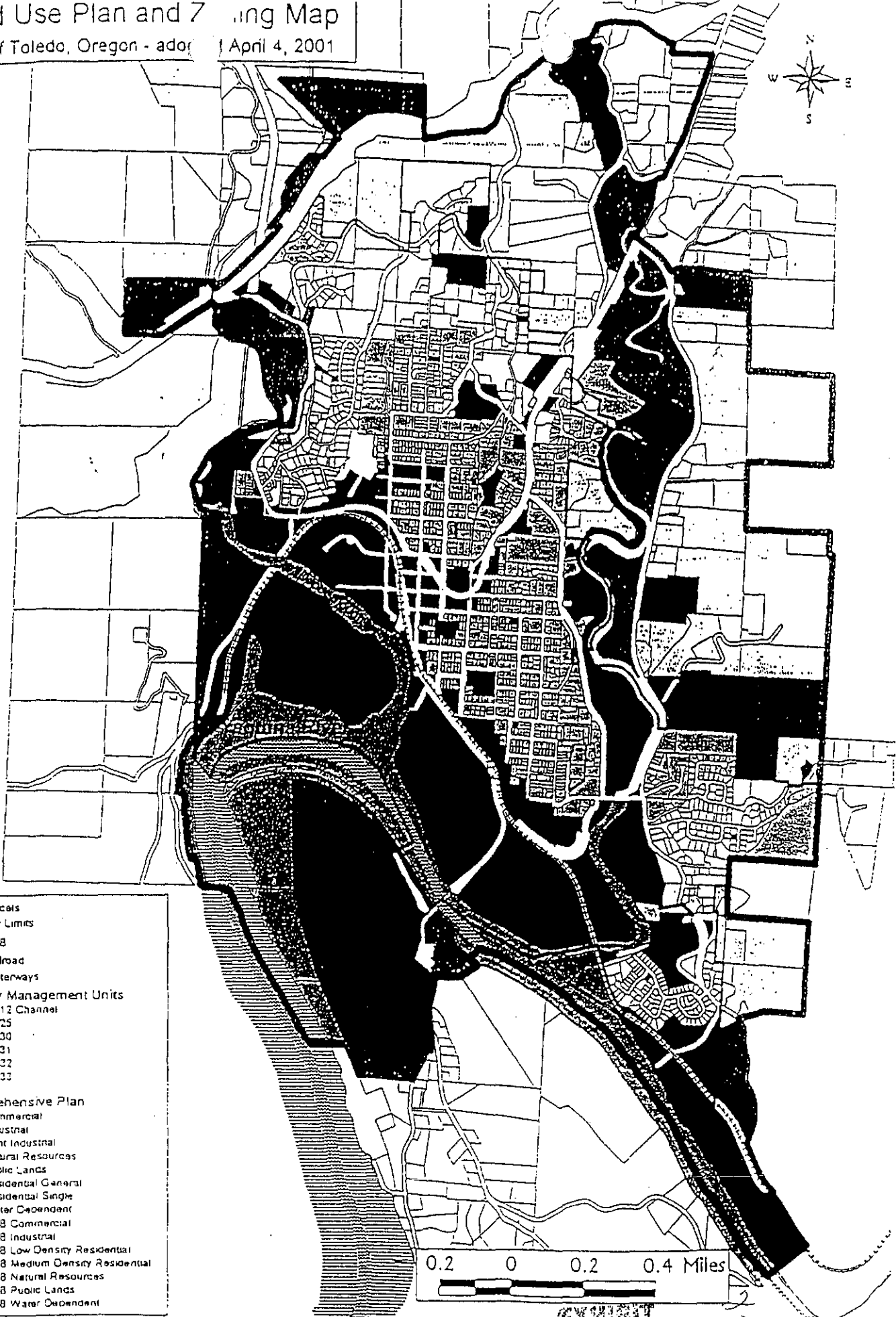
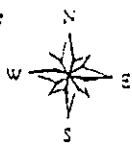
PASSED AND ADOPTED by the City Council of the City of Toledo, Lincoln County, Oregon,  
on the 4<sup>th</sup> day of April, 2001.

ATTEST:

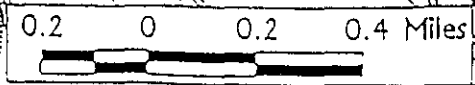
APPROVED:

Grenia L. Ballinger  
City Recorder

Sharon Brantley  
Mayor



- Parcels
- City Limits
- UGB
- Railroad
- Waterways
- Estuary Management Units**
- MU12 Channel
- MU25
- MU30
- MU31
- MU32
- MU33
- Comprehensive Plan**
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- UGB Commercial
- UGB Industrial
- UGB Low Density Residential
- UGB Medium Density Residential
- UGB Natural Resources
- UGB Public Lands
- UGB Water Dependent



BEFORE THE CITY COUNCIL OF THE CITY OF TOLEDO, OREGON

In the matter of the request for an expansion )  
of the Toledo Urban Growth Boundary to )  
include Lincoln County Assessor's Map )  
# 11-10-7-A Tax Lot 1002 as part )  
of periodic review work task # 8. )

ORDER OF  
LEGISLATIVE  
FINDINGS

For the following reasons, the City Council has determined that the proposed Urban Growth Boundary (UGB) expansion complied with the applicable criteria set forth below as explained in the legislative findings and voted unanimously to include the property within the Toledo UGB as a commercial property as part of state mandated periodic review work task # 8 by inclusion on the 2000 Toledo Comprehensive Land Use Plan and Zoning Map adopted as part of Ordinance # 1285:

1. The property owner, Robert Myres, is requesting an expansion of the Toledo Urban Growth Boundary as part of the City of Toledo's required periodic review work task # 8. Mr. Myres has attended several of the public worksessions, including worksessions held on November 8, 2000, and December 13, 2000, held by the Planning Commission and has requested that his property be included within the UGB. The property owner is asking to include Lincoln County Assessor's Map 11-10-7-A Tax Lot 1002 (an approximately 1.5 acre parcel based on the Assessor's Map assigned acreage and may not reflect actual physical acreage) within the Toledo UGB with a commercial zone classification. According to the Lincoln County Comprehensive Plan Map, Tax Lot 1002 is zoned Agricultural Conservation-10. Tax Lot 1002 is located on the north side of Highway 20 and is surrounded on three sides by the UGB and is bordered on the north side by Depot Creek.
2. The Toledo Planning Commission completed the work on periodic review work task # 8 through an open public meeting process and on December 13, 2000, voted unanimously to recommend sending forward the proposed UGB expansion to the City Council for a public hearing and consideration of inclusion of Tax Lot 1002 within the Toledo UGB. As discussed in the Council Action Form dated 1-19-01 public notification exceeded the applicable requirements for periodic review notification as set forth in ORS 227.186 (6) (Measure 56 notification) and OAR 660.24.080 as Robert Myres, 1,285 property owners within the City of Toledo and the urban growth boundary and 24 public/service agencies were notified of the public hearing on the urban growth boundary. Notification was also published in the Newport News-Times on January 12, 17, and 24, 2001. No other applicable notification requirement under the ORS, OARs, or Toledo Municipal Code have been identified other than the aforementioned notification requirements. The Newport News-Times also published an article in January prior to the public hearing covering the proposed urban growth boundary expansion. The public hearing record was

left open an additional 7 days from the January 25, 2001, public hearing date in order for any individual to submit additional written material. No request for an extension or continuation of the public hearing for a greater length of time than the 7 day extension request was made. Additional opportunities for public participation will be available when Lincoln County conducts its process for consideration of the proposed change in the urban growth boundary

3. The proposed expansion would comply with the goal of Statewide Planning Goal # 14 for urban growth boundaries to be established to identify and separate urbanizable land from rural land. In considering the factors that are to be addressed for a change of an urban growth boundary identified in Statewide Planning Goal # 14, the inclusion of Tax Lot 1002 is logical extension of the UGB and of urban services to Tax Lot 1002.

a. Factor # 1 of Statewide Planning Goal 14 has been met as there is a demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.

The current property is adjacent to another property (Lincoln County Assessor's Map 11-10-7-A Tax Lot 401) within the UGB that is designated Commercial. Mr. Myres submitted uncontested testimony that Tax Lot 401 was included in the 1982 Toledo Comprehensive Land Use Plan with a commercial designation to meet projected demand for commercial property based on projected population growth. The inclusion of Tax Lot 1002 within the UGB would allow the development of Tax Lot 1002 in conjunction with Tax Lot 401 to meet that projected demand for commercial property.

b. Factor # 2 of Statewide Planning Goal 14 has been met as the inclusion of Tax Lot 1002 will not impact an identified need for housing, the inclusion of Tax Lot 1002 as commercial would allow the development of commercial opportunities generating employment, and the inclusion of Tax Lot 1002 will not adversely impact livability.

#### Housing

Inclusion of Tax Lot 1002 into the UGB as a commercial property will not impact housing as Tax Lot 1002 is zoned Agricultural Conservation-10 in the County.

#### Employment

The current property is adjacent to another property (Lincoln County Assessor's Map 11-10-7-A Tax Lot 401) within the UGB that is designated Commercial. Mr. Myres submitted uncontested testimony that Tax Lot 401 was included in the 1982 Toledo Comprehensive Land Use Plan with a commercial designation to

meet projected demand for commercial property based on projected population growth. The inclusion of Tax Lot 1002 within the UGB would allow the development of Tax Lot 1002 in conjunction with Tax Lot 401 to meet that projected demand for commercial property and would allow employment opportunities in conjunction with commercial development.

### Livability

The impact on livability by the inclusion of Tax Lot 1002 and development in connection with Tax Lot 401 would not have any additional consequences on livability beyond that of developing Tax Lot 401. Although Jay Rasmussen in his letter of January 31, 2001, noted the possible adverse impacts of "commercial strip development significantly outside those areas currently planned for and serviced by the city," Tax Lot 1002 is not significantly outside the area of commercial development planned for by the city as the property is bordered on three sides by the urban growth boundary. Additionally, the extension of services to Tax Lot 401 and the access to Tax Lot 401 will likely be over Tax Lot 1002.

- c. Factor # 3 of Statewide Planning Goal 14 is the orderly and economic provision of public facilities and services and including Tax Lot 1002 would be an orderly and economic provision of facilities and services.

Tax Lot 1002 is adjacent to another property owned (Assessor's Map 11-10-7-A TL 401) by Mr. Myres that is in the existing UGB and is designated with a Commercial zone designation. Tax Lot 1002 is bounded on three sides by the UGB and is bounded on the north by Depot Creek. Because of the location of the existing UGB and Depot Creek, the extension of the UGB to include Tax Lot 1002 would appear to be a logical extension. No city services such as city water or sewer are currently available north of Highway 20. Any extension of city services to the property must cross Highway 20. City sewer is available along the south side of Highway 20 and within 300 feet of Tax Lot 1002. The nearest city water line is located south of Highway 20 on Elm Street (there may be topography/slide issues involved in gaining access to the Elm Street water line). Because the adjacent Tax Lot 401 is currently in the UGB, the extension of city services to that parcel when annexed would have to be extended across Highway 20 and likely would cross Tax Lot 1002 as that is the most direct route from the Elm Street water line. Mr. Myres in the November 8, 2000, Planning Commission meeting expressed his belief that city sewer and water could be extended across Highway 20 to his property.

Lewis Moorehead, Permits Specialist with the Oregon Department of Transportation in 1998 had previously reviewed both Tax Lots 1002 and 401 for potential commercial use in a letter dated June 10, 1998. According to ODOT,

ODOT would recommend that "if this property is developed, it should be a type of use that generates low volumes of traffic. While ODOT cannot support retail commercial or an R.V. park, we would not oppose a mini-storage facility." ODOT has also expressed concerns about safety involved with site distances and left turns into the property from eastbound vehicles. One of the ODOT recommendations would be to move the access to Tax Lot 401 further west and that may require the use of Tax Lot 1002 as the access for Tax Lot 401. Jay Rasmussen, in his letter dated January 31, 2001, also noted possible safety issues with access from Highway 20. The existing Tax Lot 401 has been identified as having access issues by ODOT that could be made safer if Tax Lot 401 is developed by moving the access further west to Tax Lot 1002. ODOT would oppose a retail commercial type of use, but may permit a low-traffic generating use. Because it is likely that access to Tax Lot 401 would be provided over Tax Lot 1002, including Tax Lot 1002 into the UGB is an orderly expansion of services.

- d. Factor # 4 of Statewide Planning Goal 14 is the maximum efficiency of land uses within and on the fringe of the existing urban area.

Tax Lot 1002 is adjacent to another property owned (Assessor's Map 11-10-7-A TL 401) by Mr. Myres that is in the existing UGB and is designated with a Commercial zone designation. Tax Lot 1002 is bounded on three sides by the UGB and is bounded on the north by Depot Creek. Because the adjacent Tax Lot 401 is currently in the UGB, the extension of city services to that parcel when annexed would have to be extended across Highway 20 and likely would cross Tax Lot 1002 as that is the most direct route from the Elm Street water line. As noted in the ODOT letter, access to Tax Lot 401 would likely be over Tax Lot 1002. Because of the location of the existing UGB and Depot Creek, the expansion of the UGB to include Tax Lot 1002 would appear to be a logical extension and an efficient use of land.

- e. Factor # 5 of Statewide Planning Goal 14 is the environmental, energy, economic, and social consequences. After an evaluation of the environmental, energy, economic, and social consequences, the inclusion of Tax Lot 1002 is a logical expansion of the UGB.

#### Environmental

Historically, the property has been used by the Oregon Department of Transportation (ODOT) in conjunction with Tax Lot 401 as a highway fill site in the 1960s as noted in the 1995 Toledo Wetland Conservation Plan Inventory (Wetland Code DS 11). Mr. Myres obtained Tax Lot 1002 from ODOT in 1990.

Tax Lot 1002 abuts Depot Creek which is a creek that has been identified by the Oregon Department of Fish and Wildlife as containing Coho salmon habitat and the requirements of the Endangered Species Act would be implicated by any proposed development. Any development would be required to comply with the applicable laws.

#### Energy

Development of Tax Lot 401, already within the UGB and designated commercial, would require the extension of urban services. The extension of urban services would likely be over Tax Lot 1002 and therefore would not have any energy consequences greater than those of extending services to Tax Lot 1002.

#### Economic

Development of Tax Lot 401, already within the UGB and designated commercial, would require the extension of urban services. The extension of urban services would likely be over Tax Lot 1002 and therefore would not have any additional economic consequences greater than those of extending services to Tax Lot 1002. The developer would be required to extend services to the properties at the developer's cost.

#### Social

The social impact of development of inclusion of Tax Lot 1002 in connection with Tax Lot 401 would not have any additional social consequences beyond that of developing Tax Lot 401. Although Jay Rasmussen in his letter of January 31, 2001, noted the possible adverse impacts of "commercial strip development significantly outside those areas currently planned for and serviced by the city," Tax Lot 1002 is not significantly outside the area of commercial development planned for by the city as the property is bordered on three sides by the urban growth boundary. Additionally, the extension of services to Tax Lot 401 and the access to Tax Lot 401 will likely be over Tax Lot 1002.

- f. Factor # 6 of Statewide Planning Goal 14 is the retention of agricultural land.

Historically, the property has been used by the Oregon Department of Transportation (ODOT) in conjunction with Tax Lot 401 as a highway fill site in the 1960s as noted in the 1995 Toledo Wetland Conservation Plan Inventory (Wetland Code DS 11). Mr. Myres obtained Tax Lot 1002 from ODOT in 1990. Because of the small size of the property and the past use of the property as a

highway fill site, the retention of agricultural land will not be impacted by the inclusion of Tax Lot 1002 into the UGB.

- g. Factor # 7 of Statewide Planning Goal 14 is the compatibility of the proposed urban uses with nearby agricultural uses.

Tax Lot 1002 is surrounded by the UGB on three sides, with Highway 20 bordering the property to the south and Depot Creek bordering the property to the north. Slightly further to the east is a large parcel in the Toledo UGB on the north side of Highway 20 designated for commercial development. Across Highway 20 to the south is the residential developed portions of the City of Toledo. To the east is Tax Lot 401 which is in the Toledo UGB and is designated for commercial development. No agricultural uses in the immediate area will be impacted by the proposed urban uses.

IT IS ORDERED that the legislative findings set forth above are adopted to support the inclusion of Lincoln County Assessor's Map # 11-10-7-A Tax Lot 1002 within the Toledo Urban Growth Boundary with a commercial designation.

DATE: April 4, 2001

Sharon Brantner  
MAYOR

APR 15 2001  
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