



Oregon
Theodore R. Kubongoski, 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

02/19/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Toledo Plan Amendment
DLCD File Number 004-12

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: Tuesday, March 05, 2013

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Stuart Cowie, City of Toledo
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

**D
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E**

DEPT OF

FEB 13 2013

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Toledo**

Local file number: **PA-3-12/RZ-2-12**

Date of Adoption: **February 06, 2013**

Date Mailed: **February 12, 2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/7/12

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Rezone property from Public Lands to Commercial on the Toledo Zone Map and amend the Comprehensive Land Use Plan Map from Public Lands to Commercial.

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

Plan Map Changed from: **Public Lands**

to: **Commercial**

Zone Map Changed from: **Public Lands (P-L)**

to: **Commercial (C)**

Location: **321 SE 3rd Street**

Acres Involved: **3.50**

Specify Density: Previous: **n/a**

New: **n/a**

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 checked="" type="checkbox"/>	<input 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...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-12 (19590) [17357]

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

City of Toledo

Local Contact: **Stuart Cowie**

Phone: (541) 336-2247 Extension: 210

Address: **PO Box 220**

Fax Number: 541-336-3512

City: **Toledo, OR**

Zip: 97391-

E-mail Address: cdcplanner@cityoftoledo.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 6, 2012

ORDINANCE NO. 1348

AN ORDINANCE AMENDING THE 2000 TOLEDO COMPREHENSIVE LAND USE PLAN AND ZONING MAPS, AS ADOPTED BY ORDINANCE #1285

WHEREAS, on October 2, 2012, the property owners of Lincoln County Assessor's Map #11-10-17 BD Tax Lot 17000 initiated a request for a comprehensive plan map amendment from Public Lands to Commercial and a zone change from Public Lands (P-L) to Commercial (C) (Local File # PA-3-12/RZ-2-12); and

WHEREAS, the City Council held a public hearing on January 16, 2013, and based on the facts before the City Council including the recommendations of the Planning Commission, the minutes of the Planning Commission hearing held on December 12, 2012, the staff report, and other testimony presented before the City Council, the City Council adopted facts and findings and determined that the proposed amendments to the City of Toledo Comprehensive Land Use Plan and Zoning Maps comply as applicable with the Oregon Statewide Planning Goals, the Toledo Comprehensive Land Use Plan and related documents, and Toledo Municipal Code Section 17.80.050;

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

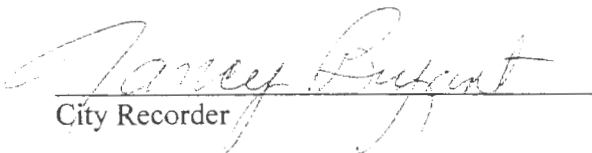
Section 1: The property identified on Lincoln County Assessor's Map 11-10-17 BD as Tax Lot 17000 (also known as 321 SE 3rd Street) is designated Commercial on the Comprehensive Land Use Plan Map and identified as a Commercial Zone on the Toledo Zoning Map.

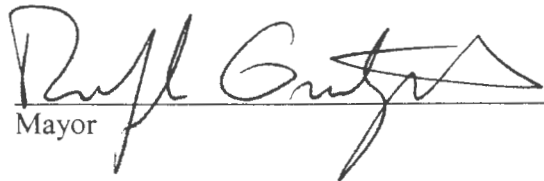
APPROVED AND ADOPTED by the City Council of the City of Toledo, Lincoln County, Oregon, on the 6th day of February, 2013.

APPROVED by the Mayor for the City of Toledo, Oregon, on this 11th day of February, 2013.

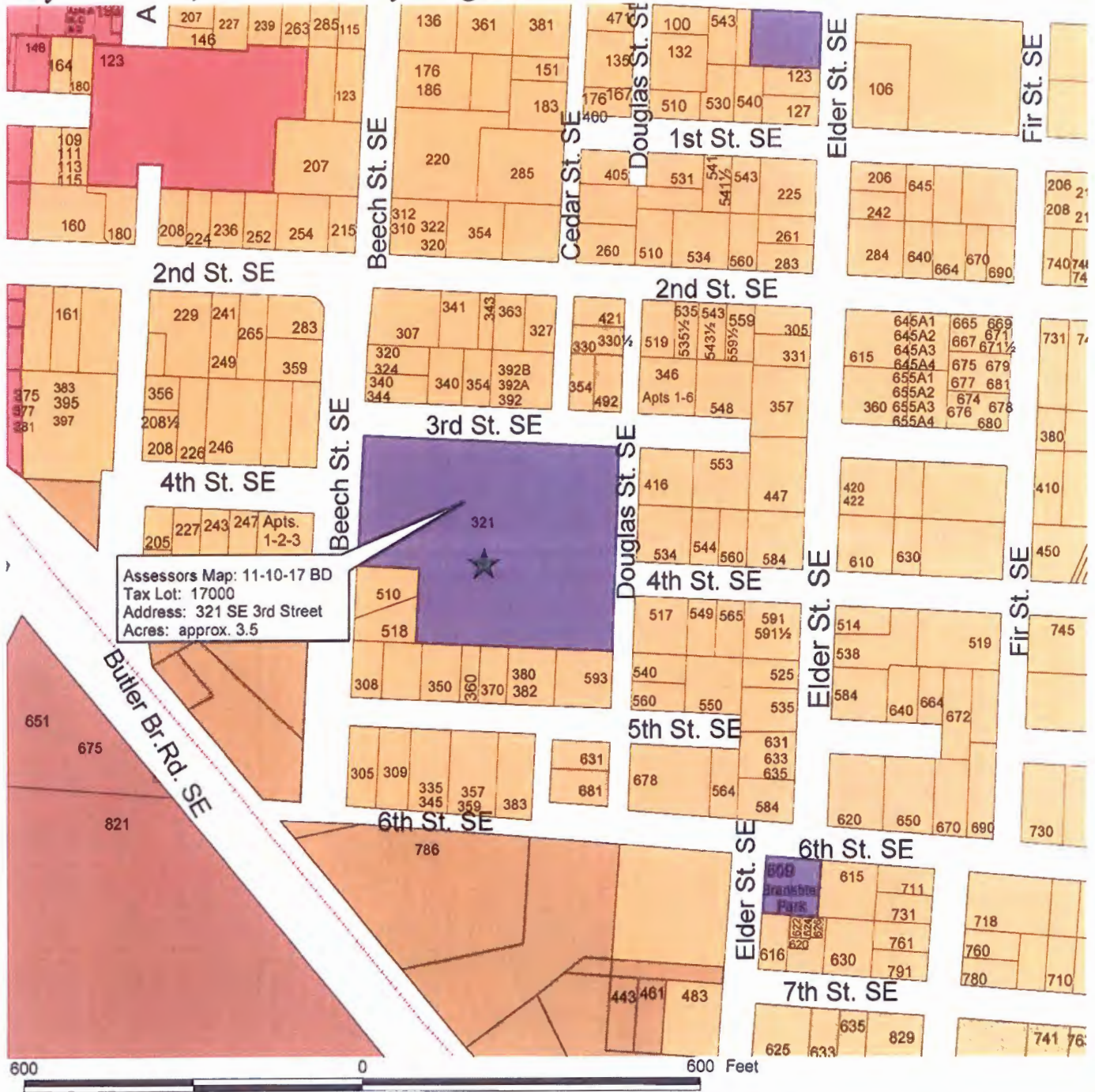
ATTEST:

APPROVED:


City Recorder


Mayor

City of Toledo, Lincoln County Oregon



- Parcels
- Railroad
- Zoning Map & Comp Plan Desingation**
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Parcels in UGB
- Waterways



Proposal:

City File No.: PA-3-12/RZ-2-12
 Lincoln County Assessor's Map: 11-10-17 BD
 Tax Lot: 17000
 Address: 321 SE 3rd Street
 Acres: approx. 3.5
 Applicant: The Olalla Center for Children and Families
 Current Zone Map Designation: Public Lands
 Current Comp Plan Map Designation: Public Lands
 Proposed Zone Map Designation: Commercial
 Proposed Comp Plan Map Designation: Commercial

November 5, 2012

**TOLEDO CITY COUNCIL
STAFF REPORT**

PROPERTY: Identified on Lincoln County Assessor's Map # 11-10-17 BD as tax lot 17000.

APPLICATION #: RZ-2-12 and PA-3-12

APPLICANT: The Olalla Center

AGENT: Ray Burleigh

APPLICATION DATE: 10/02/12

HEARING DATE: 12/12/12

REQUEST: The applicant is requesting a comprehensive plan map amendment from Public Lands to Commercial and a zone change from Public Lands (P-L) to Commercial (C).

LOCATION: The subject property is located at 321 SE 3rd St. and is commonly known as the former Mary Harrison School site. The parcel is further identified on Lincoln County Assessor's map 11-10-17 BD as tax lot 17000.

LOT SIZE: Approximately 3.45 acres

I. REPORT OF FACTS:

1. Plan Designation: Public Lands (P-L)
2. Zone Designation: Public Lands (P-L)
3. Existing Structures: The Olalla Center.
4. Notice of Public Hearing: Notices mailed to 80 property owners and 19 public/service agencies.
5. Notice Published: 11/28/12 and 12/5/12.
6. Comments Received: Public Works Director, Fire Chief, and Police Chief all reviewed and approve the application.
7. Attachments to Staff Report: A. Application with supporting information
B. Zoning Map
C. Aerial Map

II. APPLICABLE CRITERIA FOR EVALUATING THE COMPREHENSIVE PLAN AMMENDMENT AND ZONE CHANGE REQUEST:

1. TOLEDO MUNICIPAL CODE (TMC) Section 17.80.040 – Quasi-judicial amendments to maps.
Quasi-judicial map amendments are those map amendments which require discretion in

applying existing standards or criteria to a request. The approval authority for quasi-judicial amendments shall follow the type III land use procedure as set forth by ordinance and the approval authority shall be as follows:

- A. The planning commission shall decide zoning map changes which do not involve comprehensive plan amendments;
- B. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and
- C. The planning commission shall make a recommendation to the city council on a zoning map application which also involves a comprehensive plan map amendment application. The city council shall decide both applications.

2. TMC Section 17.80.050 – Criteria for quasi-judicial map amendments.

A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on the following criteria:

- A. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite for approval;
- B. Demonstration of compliance with all applicable standards and criteria of this code and other applicable implementing ordinances.
- C. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use maps regarding the property which is the subject of the application.

3. TMC Section 17.80.060 – Conditions of approval.

A quasi judicial decision may be for denial, approval, or approval with conditions necessary to bring an amendment into compliance with an applicable criteria. A legislative decision maybe approved or denied.

4. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(A) – Comprehensive Plan Map Designations:

Comprehensive Plan Map designations are intended to guide development by designating appropriate areas for each particular type of development use. Additional uses within each zoning map designation may be allowed as either uses permitted outright or as conditional uses when the city determines that such uses are either consistent with the general use of the designated comprehensive plan map or can be reviewed for compatibility through the conditional use process. The comprehensive plan map designations and the uses allowed in the zoning map designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

Public Lands - This designation is intended to indicate lands currently owned by public agencies and used for a public function such as schools and parks acknowledging that such lands may be put to a variety of uses. The designation shall be implemented through the zoning map's Public Lands zone designation.

Commercial – This designation provides for a wide range of commercial activities including retail and service uses as well as other compatible uses commonly associated with

commercial areas including allowing residential uses. This designation shall be implemented by the zoning map designation of Commercial. A Main Street Overlay District shall be implemented to recognize the unique attributes and development pattern of the existing Main Street area.

5. 2000 Toledo Comprehensive Land Use Plan – Article 2, Objective 2(B) – Zoning Map Designations:

Public Lands (P-L) – The purpose of the P-L zone is to indicate lands currently owned by public agencies and used for a public function such as schools and parks acknowledging that such lands may be put to a variety of uses.

Commercial (C) – The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses including public, civic, and institutional uses will also be allowed. Residential use above the commercial main floor or located so as not to prevent the main commercial use shall be allowed and encouraged especially in the Main Street District area.

6. TMC Chapter 17.36 - P-L Zone.

TMC Section 17.36.010 – P-L Zone – Purpose.

The purpose of the P-L zone is to indicate lands owned by public agencies, recognizing that such lands may be put to varied uses.

TMC Section 17.36.020 – P-L Zone – Uses permitted outright.

Uses existing at the time of passage of this ordinance and the expansion of those uses are permitted outright.

TMC Section 17.36.030 – P-L Zone – Conditional uses permitted.

Any other use necessary for the public agency to perform its mission.

7. TMC Chapter 17.16 – C Zone.

TMC Section 17.16.010 – C Zone – Purpose.

The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses including public, civic, and institutional uses are also allowed. Residential use above the commercial main floor or located as not to prevent the main commercial use are allowed and encouraged especially in the Main Street District area.

8. 2000 Toledo Comprehensive Land Use Plan – Article 8, Goal 1 and 2 – Recreation Needs:

1. Provide and maintain a diversified system of safe and attractive parks, open spaces, recreation programs and facilities for the use and enjoyment by all of Toledo's citizens and visitors.
2. Promote the parks and recreation programs as cornerstones of Toledo's attractiveness as a place to visit, live and conduct business.

9. 2000 Toledo Comprehensive Land Use Plan – Article 9, Goal 1, 2 and 6 – Economic Development:

1. Improve the economic positions of all elements of Toledo's economic base by retaining and expanding the current businesses while recruiting new businesses into the community.
2. Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Toledo including commercial, industrial, water-dependent, office and institutional services development.
6. Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Toledo's residents and others. Reduce the need for Toledo's residents to go to other communities for retail purchases and services.

III. STAFF ANALYSIS:

The subject property was previously owned by the Lincoln County School District. The property is now owned by the Olalla Center for Children and Families, a private non-profit organization. The building on the property was formerly the Mary Harrison School site. The building now serves roughly three functions; as the home for the Olalla Center (a state licensed psychiatric day treatment program), the Flowerree Center, and a rental space area for commercial businesses and or professional groups.

Mary Harrison School was closed in 2005. The property and school building was deemed no longer useful to the school district and as a result was sold. The applicant purchased the property from the school district on July 6, 2011. The zoning and comprehensive plan map designation of public lands was appropriate for the property while under the school district's ownership, given the use of the former Mary Harrison School.

The current owner, the Olalla Center, does not represent a public agency, and as a result suggests the current zoning is not appropriate given its status as a private non-profit organization. The applicant has used and plans to continue to use the facility for a myriad of different uses. These different uses help to embody three over all programs as described in the application materials; the Olalla Center (a state licensed psychiatric day treatment program), the Flowerree Community Center, and a rental space area. Each of these three programs provide available meeting space for a mix of different uses including day care facilities, religious organizations, Boy Scout and Girl Scout groups, the 4H club and other community social clubs. Much of this space is offered to these organizations at a substantially low or free cost by the Olalla Center. In addition to the uses listed above, to help off-set the operating and maintenance costs, it was decided by the Olalla Board of Directors that 3-4 units of space, each roughly 1000 square feet in size, would also be rented out to local business owners and or professional groups for commercial types of uses.

Based on these existing uses the applicant desires to change the zoning map designation from public lands to commercial. This new zone designation best fits the numerous types of different uses occurring at the facility and will bring the property into compliance with the Toledo Municipal Code.

The applicant's request will be compatible with surrounding land uses. Although no other commercial zoned property is within the immediate area, the Olalla Center has been

operating for the last year and a half under essentially the same format as indicated above without documented complaint from surrounding neighbors and support from the community. The surrounding neighborhood consists of General Residential (R-G) zoning. See file attachment 'B' (Zoning Map). Given the former use of the structure as an elementary school for many years, the neighborhood has become accustomed to the operation of a school within the area. The Olalla Center operates in a similar fashion. Day care facilities, child and family treatment care programs, as well as a meeting place for common community groups or events are the predominant uses of the structure. Commercial business activity occurring within the building is small scale in nature and is limited to roughly 1000 square feet of floor space per rental unit. Typical businesses consist of artists' studios and office space. No signs advertising any of the businesses are proposed. No additions to the footprint of the structure are proposed. All activities will be contained within the existing structure, except for uses that require the need for the existing outside play areas. Off-street parking for approximately 48 cars is provided, as shown on the submitted plot plan.

The procedure for amending the comprehensive plan and changing the zoning of property is found in TMC Chapter 17.80, titled "Amendments". The purpose of the "Amendment" chapter is to provide standards and procedures for quasi-judicial amendments to the code and the comprehensive land use map or zoning map. These standards and procedures are referred to as "map amendments." Amendments 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.

In this case, the Olalla Center has indicated the most significant change surrounding the property and its current zone designation, is the fact that unlike the school district that sold the property, the Olalla Center does not represent a public agency. In this way, the sale of a property zoned for public use to a private organization constitutes a change in the neighborhood and an inconsistency in both the comprehensive plan and the municipal code helping to further justify the need for the proposed change in conjunction with TMC 17.80.050(C). The purpose of both the Public Lands zone, as well as the Public Lands Comprehensive Plan Map designation is to indicate lands owned by public agencies and used for a public function such as schools and parks acknowledging that such lands may be put to a variety of uses.

The act of purchasing the property as a private organization presents an immediate conflict with the purpose of the public lands zone and comprehensive plan map designation. Consequently, the property is no longer appropriately zoned. In order to rectify the situation, the applicant is now requesting both a zone change and a comprehensive plan map amendment from public lands to commercial.

The driving factor in selecting the commercial zone over other possible zones within the city, was the fact that the commercial zone fit best when factoring the differing types of uses occurring at the Olalla Center and what is allowed as a use permitted outright within the commercial zone. Fortunately, each use either currently existing or proposed within the application is listed as a use being permitted outright in the commercial zone (See TMC Section 17.16.020). Although other zones were recommended, including the surrounding R-G zone, each of these zones would have required the applicant to not only go through the comprehensive plan amendment and zone change process, but would have also necessitated

the need for a conditional use permit. To compound the situation, if the nature of the use were to transform over time, additional conditional use permits most likely would be required to update the original approval.

Ultimately, given the current uses happening at the Olalla Center the commercial zone has been identified as the most logical zone designation for the property. Consequently, the commercial comprehensive plan designation serves as the necessary fit given the appropriateness of the commercial zone. Within the 2000 Toledo Comprehensive Land Use Plan, under Article 2, Objectives B (Zoning Map Designations), the commercial zone indicates that “compatible uses including public, civic, and institutional uses will be allowed” within the zone. Although these types of uses will not account for all that will occur within the Olalla Center. The fact that the majority of its uses will be of a public, civic or institutional nature helps to justify that the proposed change from public lands to commercial is consistent with the comprehensive plan policies, map designations and municipal code of the City of Toledo as required in TMC Section 17.80.050(A)&(B).

Beyond the consistency achieved between the zone designation and the comprehensive plan map designation, the amendment also serves to fulfill additional goals such as recreation needs and economic development as outlined in the 2000 Toledo Comprehensive Land Use Plan.

The continued operation of the Olalla Center at the former Mary Harrison School site helps to further fill the recreational needs of the City of Toledo by providing additional recreational programs and facilities for the use and enjoyment of Toledo citizens and visitors as outlined in Article 8 of the 2000 Toledo Comprehensive Land Use Plan. The continued success of the Olalla Center will help in promoting recreational programs that can become the cornerstones of Toledo’s attractiveness as a place to visit, live and conduct business.

In addition, the continued use of the Olalla Center will assist in helping to ensure an adequate supply of appropriately zoned land is available to provide institutional service development as outlined in Article 9 of the 2000 Toledo Comprehensive Land Use Plan. The Olalla Center will help in providing opportunities to develop a full range of recreational, as well as commercial services to meet the needs of Toledo’s residents.

Based on the analysis written above, staff has determined that the application complies with the purpose of Chapter 17.80, concerning amendments. Staff has determined that the criterion necessary to approve a quasi-judicial amendment as outlined in TMC Section 17.80.050, has been satisfied.

IV. STAFF RECOMMENDATION:

Staff recommends the City Council approve the requested comprehensive plan map amendment from Public Lands to Commercial and a corresponding zone change from Public Lands (P-L) to Commercial (C) in accordance with TMC Section 17.80.040(C).

PROPOSED MOTION:

BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE CITY COUNCIL AT THE PUBLIC HEARING ON JANUARY 16, 2013, THE CITY COUNCIL

DETERMINES THAT THE REQUEST BY THE OLALLA CENTER FOR A COMPREHENSIVE PLAN MAP AMENDMENT FROM PUBLIC LANDS TO COMMERCIAL AND A ZONE CHANGE FROM PUBLIC LANDS (P-L) TO COMMERCIAL (C) COMPLIES WITH THE TOLEDO MUNICIPAL CODE, CHAPTERS 17.80, 17.36 AND 17.16 AND THE 2000 TOLEDO COMPREHENSIVE LAND USE PLAN. THE CITY COUNCIL HEREBY ADOPTS THE STAFF REPORT AND OTHER EVIDENCE IN THE RECORD AS FINDINGS SUPPORTING ITS DECISION TO APPROVE APPLICATIONS RZ-2-12 AND PA-3-12.

V. CITY COUNCIL ROLE:

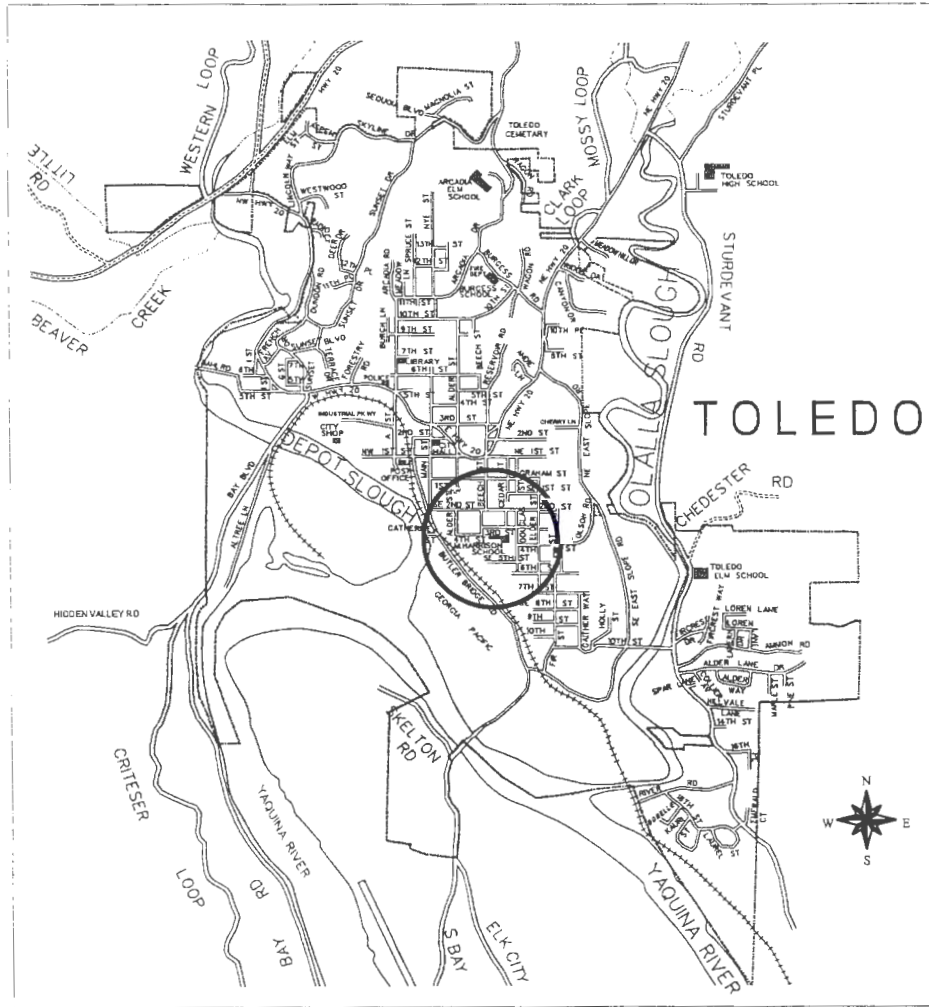
At the public hearing, the City Council should evaluate the applicant's proposal and all testimony presented to them in order to make findings which demonstrate that the pertinent criteria can be satisfied. The recommendation of the Planning Commission is based on the testimony received by the Commission, the facts presented by the applicant, testimony, and the staff report. The decision of the City Council must be based on the testimony received by the Council, the recommendation of the Planning Commission, the facts presented by the applicant and those who support or opposed the request, and the staff report. Any action of the application should address the applicable plans and ordinance criteria. The Council decision on the plan amendment will be final unless appealed.

Prepared by,

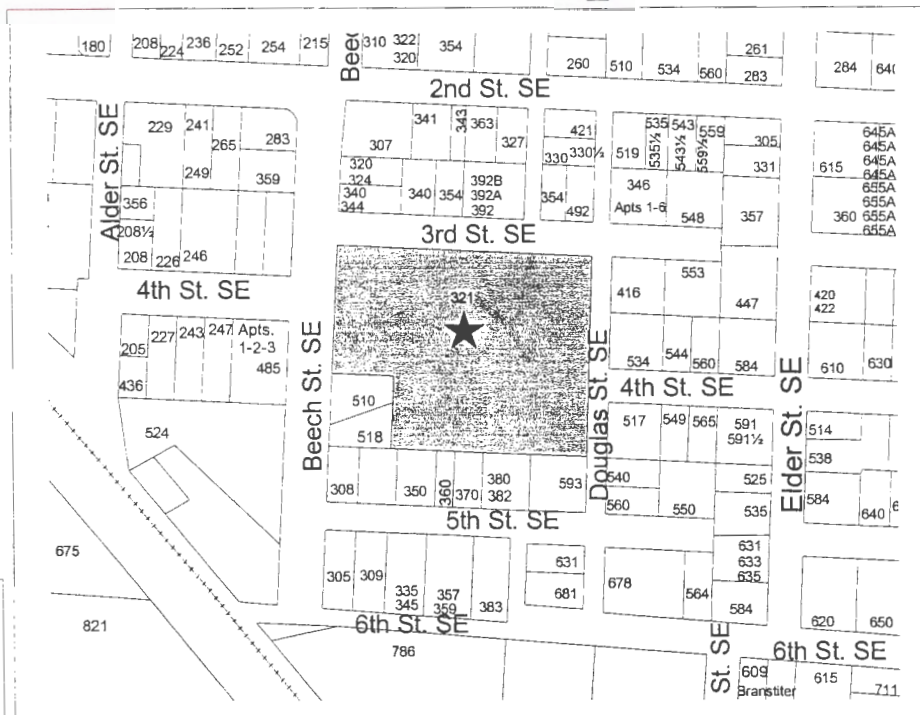


Stuart Cowie
Community Development Coordinator

Location Map



Site Map



Parcels
Railroad



11/19/12

ATTACHMENT A
Application Documents
 (RZ-2-12/PA-3-12)
CITY OF TOLEDO
LAND USE APPLICATION

Date 10-2-12

Property Owner The Olalla Center

Telephone 541-336-2254

Mailing Address P.O. Box 893

Toledo, OR 97341

Authorized Agent RAY BURLEIGH

Telephone same

Property Address 321 SE 3rd

Property Size _____

Property Location _____

Assessors Map No. 11-10-17 BD

Tax Lot No. 17000

Present Zoning Public Lands

Proposed Change Commercial

Comprehensive Plan Designation _____

Current Land Use _____

Existing Structures (if any) _____

Proposal for which this request is being made (attach additional sheets if needed) _____

The following must be submitted with this application:

- Deed description and proof of ownership interest.
- Site plan drawn to scale which shows property lines, access, existing buildings, other relevant features or conditions, the property's relationship to the surrounding neighborhood, and the location of existing and proposed development.
- Description of the proposed land use action, including information on how the proposal might impact surrounding property.
- Supplemental information form (if required).
- Application fee.

<input type="checkbox"/> Annexation/Rezone (\$950)*	<input type="checkbox"/> Expedited Land Division (\$1,500)*	<input type="checkbox"/> Riparian Modification Permit (\$150)
<input type="checkbox"/> Appeal, Land Use Misc (\$300)*	<input type="checkbox"/> Lot Line Adjustment (\$100)	<input type="checkbox"/> Similar Use, Planning Comm (\$225)
<input type="checkbox"/> Appeal, Type II (\$200)*	<input type="checkbox"/> Modification of Approval (75% of fee)	<input type="checkbox"/> Staff Level Exception to TPIRDS (\$25+recording fee)
<input type="checkbox"/> Appeal, Type III (\$400)*	<input type="checkbox"/> Partition, Major (\$475)*	<input type="checkbox"/> Subdivision (\$1,500+\$20/lot)*
<input type="checkbox"/> Code Amendment (\$700)	<input type="checkbox"/> Partition, Minor (\$400)*	<input type="checkbox"/> UGB Amendment (\$2,000+\$50/ac.)
<input type="checkbox"/> (if requires M56 notice \$700+mailing)	<input type="checkbox"/> Planned Unit Development (\$1,500+\$20/unit)*	<input type="checkbox"/> Vacation (\$500)*
<input checked="" type="checkbox"/> Comp. Plan Amendment (\$700)	<input type="checkbox"/> Public Hearing, Misc. Permit	<input type="checkbox"/> Variance, Type I (\$50)*
<input type="checkbox"/> (if requires M56 notice \$700+mailing)	<input type="checkbox"/> Replat, Major (\$550+\$20/lot)	<input type="checkbox"/> Variance, Type II (\$200)*
<input type="checkbox"/> Code Interpretation, official (\$125)	<input type="checkbox"/> Replat, Minor	<input type="checkbox"/> Variance, Type III (\$400)*
<input type="checkbox"/> Conditional Use (\$400)	<input type="checkbox"/> Restrictive Lot Line Covenant (\$75)	<input checked="" type="checkbox"/> Zone Change (\$700)
<input type="checkbox"/> Exception to Statewide Goal (\$1,000)		*Supplemental forms are required

If filing multiple Land Use Applications, the most expensive application will be assessed and 75% of each additional land use application when submitted together. If filing multiple Type I permits, staff can waive some fees where overlapping permits do not need significant additional review.

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that I must present sufficient factual evidence to show that this application complies with the Toledo Zoning Ordinance, Comprehensive Plan, and other applicable regulations. This responsibility is independent of any opinions expressed in the Planning Department Staff Report concerning the applicable criteria. I certify that, to the best of my knowledge, all information contained in this application is accurate.

My signature below shows that I have thoroughly discussed this application with the Community Development Coordinator or the City Manager or designee and I am fully aware of my responsibilities as the applicant.

I understand that the Planning Commission will hold a public hearing for this application. yes
I understand that the City Council will hold a public hearing for this application. yes
I understand that this is a City of Toledo staff-level decision. yes
Other Thank you for your consideration yes

Ray A. Bunkin
Applicant(s) Signature

10-2-12
Date

Property Owner (if different)

Date

For Office Use Only

Public Works

1. Is City sewer available? Yes No
Where _____

Is the property within City UGB
Will a connection have to be constructed? Yes No
What size of a line is required _____

2. Is City water available? Yes No
Where _____

Is the property within City UGB
Is the lot accessible to City water? Yes No

3. Are there any public works improvements necessary? Yes No
If yes, describe _____

4. Is there proper access? Yes No
Are there proper easements? Yes No

Curb cuts and property entrances must be constructed to City specifications. Permit and specifications are available through the Public Works Department.

5. Are there any special access requirements? Yes No
If yes, describe _____

Is a state access permit required? Yes No
Is a county permit required? Yes No

6. Meter size N/A
Estimated installation cost _____

7. Is a plan review by Public Works required? Yes No

8. Is this a new parcel, created legally since 11/1/83? Yes No
Minor Partition _____ File # _____
Major Partition _____ File # _____
Subdivision _____ File # _____

9. Is this application ready to be approved? Yes No
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

A. D. White

Public Works Director

11-21-2012

Date

Fire Department

1. Does the proposal meet the safety requirements of the NFC and UFC? Yes No

2. Is this application ready to be approved? Yes No
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

William H. [Signature]
Fire Chief

12-5-12
Date

Police Department

1. Is this application ready to be approved? Yes No
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

David [Signature]
Chief of Police

11/26/12
Date

Planning Department

1. Is this application ready to be approved? Yes No
Explain modifications or revisions needed for the application _____

Comments _____

REVIEWED AND APPROVED BY:

Community Development Coordinator

Date

The Olalla Center for Children and Families
321 NE 3rd St., PO Box 893, Toledo, Oregon 97391
phone 541-336-2254 Fax 541-336-1803

Oct. 2, 2012

Administrators
City of Toledo
Toledo, Oregon 97391

Dear City of Toledo:

We are coming to you for a zoning change. We believe that a "commercial zoning," is more appropriate and helpful to our current situation.

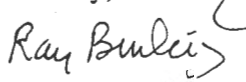
The Olalla Board of Directors originally (in December of 2011) agreed to offer to purchase this property for the sole purpose of creating and increasing services to children and families in Lincoln County. One significant idea was the creation of a community center that would offer space to a variety of organizations (Boy Scouts, Girl Scouts, 4H, Community Social Clubs, and professional groups) at low/free cost.

A workgroup made up of Board members, staff and community members theorized that our budget would not allow us to purchase the building, operate and renovate the facility unless we also rented 3-4 units within the new building. Such an effort would demand careful construction to separate areas within the building. We accomplished this in the summer of 2012.

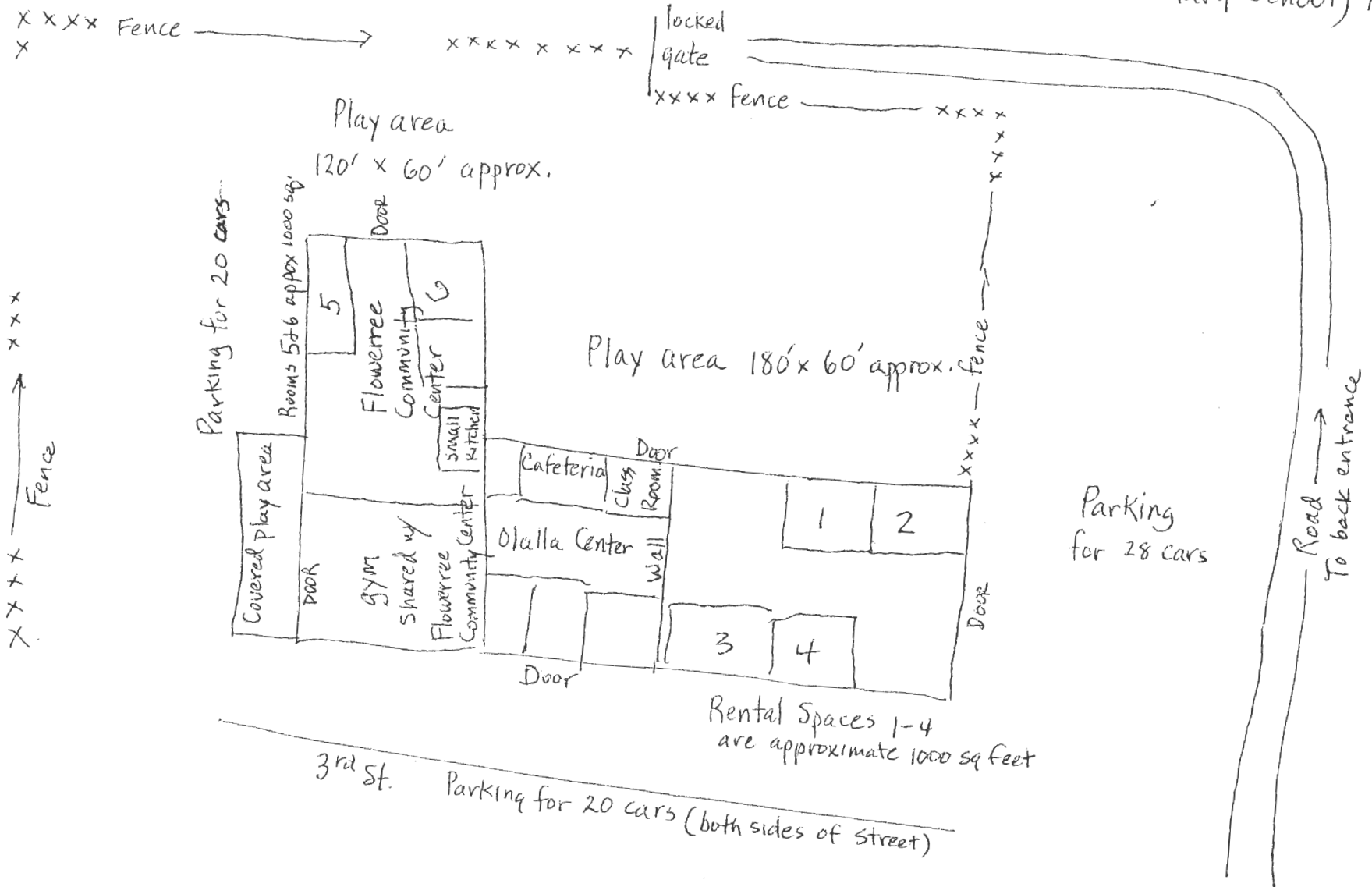
I have attached a rough diagram of the building and the plans for 3 programs within the building: 1) The Olalla Center, a state licensed psychiatric day treatment program 2) The Flowerree Community Center and 3) a rental space area.

I hope this has been helpful. Do not hesitate to call with questions.

Sincerely,


Ray Burleigh, M.Ed
Executive Director

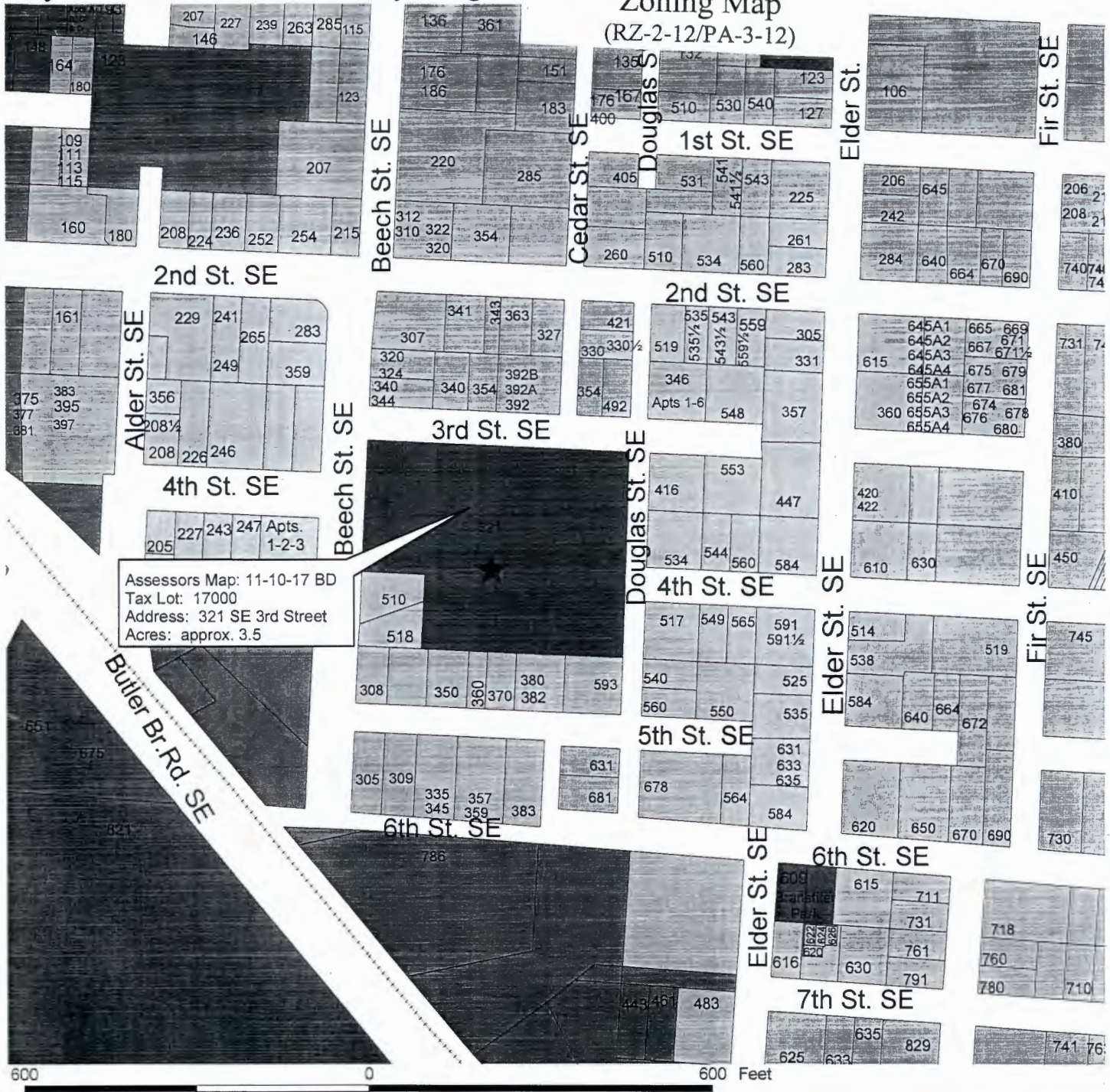
The Olalla Center (formerly The Mary Harrison Elementary School) 10-2-12



Approximated Drawing by
Ray Burleigh
Executive Director

ATTACHMENT C
Aerial Map
(RZ-2-12/PA-3-12)





Assessors Map: 11-10-17 BD
Tax Lot: 17000
Address: 321 SE 3rd Street
Acres: approx. 3.5

600 0 600 Feet

- Parcels
- Railroad
- Zoning Map & Comp Plan Desingation**
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Parcels in UGB
- Waterways



Proposal:

City File No.: PA-3-12/RZ-2-12
Lincoln County Assessor's Map: 11-10-17 BD
Tax Lot: 17000
Address: 321 SE 3rd Street
Acres: approx. 3.5
Applicant: The Olalla Center for Children and Families
Current Zone Map Designation: Public Lands
Current Comp Plan Map Designation: Public Lands
Proposed Zone Map Designation: Commercial
Proposed Comp Plan Map Designation: Commercial

November 5, 2012



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LAND CONSERVATION
AND DEVELOPMENT



CITY OF TOLEDO
City Hall - 206 N. Main Street
P.O. Box 220, Toledo, Oregon 97391

TO:

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

