

AGENDA

TOLEDO PLANNING COMMISSION

ELECTRONIC/VIRTUAL MEETING VIA ZOOM MEETING PLATFORM. The Planning Commission will hold the meeting through the Zoom video meeting platform. The public is invited to attend the meeting electronically. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information.

Public Comments: The Planning Commission may take limited verbal comments during the meeting. Written comments can be submitted by email to planning@cityoftoledo.org by 4:00 pm on May 12, 2021, to be included in the record. Comments received will be shared with the Planning Commission and included in the record.

1. CALL TO ORDER AND ROLL CALL
2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE APRIL 14, 2021 MINUTES as circulated and reviewed by the Planning Commission
4. PUBLIC HEARING: Conditional Use Permit for an expansion of a waste transfer/recycling facility in the Light Industrial Zone (File #CU-2-21), for property located at 5441 Hwy 20, requested by Dahl & Dahl Inc. (Ryan Crotty authorized agent)
5. PUBLIC HEARING: Annex property into the City limits and rezone from County R-1 to City Single-Family Residential (File #AX-2-21/RZ-3-21), for property located at 150 SE Sturdevant Road, requested by Kelly and Lorraine Foley
6. DISCUSSION ITEMS:
 - a. Wildfire Preparedness
 - b. Updates and Reports
7. STAFF COMMENTS
8. COMMISSIONER COMMENTS
9. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting by calling the Toledo Planning Department at 541-336-2247.

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 7:04 pm by President Anne Learned-Ellis. Commissioners present: Cora Warfield, Robert Duprau, Ricky Dyson, Terri Neimann (arrived at 7:15), and newly appointed Planning Commissioner Jonathan Mix. Absent was Ruthanne Morris.

Staff present: Contract Planner (CP) Justin Peterson, City Manager (CM) Judy Richter, City Attorney (CA) David Robinson, and Secretary Arlene Inukai.

INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER JONATHAN MIX:
Newly appointed Planning Commissioner Jon Mix was introduced. All welcomed Mr. Mix to the board.

VISITORS: John Lloyd, Sheila Stiley, Wayne Secrist.

APPROVAL OF THE MARCH 10, 2021, MINUTES:

It was moved and seconded (Dyson/Mix) to approve the March 10, 2021, minutes as circulated and reviewed by the Planning Commission. The **motion passed** unanimously, noting the absence of Morris and Neimann.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A MULTI-FAMILY DWELLING (DUPLEX) IN THE COMMERCIAL ZONE (FILE #CU-1-21), FOR PROPERTY LOCATED AT 992/1000 SE STURDEVANT ROAD, REQUESTED BY NANCY GALBRAITH TRUST (JOHN LLOYD AUTHORIZED AGENT):

President Learned-Ellis opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. Commissioner Mix stated he conducted a site visit to view the property. The statements of rights and relevances and rights to appeal were then read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. This is the site of the former Olalla Store and the property is located at the corner of SE 10th Street and SE Sturdevant Road. The applicant proposes to create a multi-family residential use, converting the commercial area to residential. There is an existing residential unit on the north side. Converting the old store to residential and creating a duplex requires a Conditional Use Permit in the Commercial Zone. The .4 acre site has an existing building, with the western edge adjacent to Olalla Slough and portions of the property are located in the floodplain and floodway. City water and sewer service area available to the site.

Commissioner Neimann entered the meeting at this time.

CP Peterson reviewed criteria for the request and recommended conditions of approval. One accessory dwelling is allowed outright, in conjunction with an existing commercial use. Historically, the property contained one commercial space and one apartment. CP Peterson

reviewed the code enforcement issues with the property, explaining that the commercial space was illegally converted to a residential unit without the proper zoning, building permits, or floodplain development permits. The applicant/agent is correcting the violation and applied for the conditional use and floodplain permits. If approved, the next step would be the building permits and change of use. Also, an elevation certificate will be needed for the project. The property has been vacant for years and converting the structure to housing meets the Comprehensive Land Use Plan housing goals and policies.

The converted unit would be approximately 1600 square feet with two bedrooms. The existing apartment is approximately 672 square feet. Parking is available on the property. CP Peterson reviewed surrounding zone designations, uses in the area, and proposed facts and findings.

Applicant Testimony: John Lloyd of 2091 Council Road 29, Prague, Nebraska, reported the property presents an easy conversion, as there is a bathroom and kitchen area in the unit. It has a nice view and it is cost effective to develop. They expect to rent the unit for under \$1000/mo.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: None.

Questions by Commission: Commissioner Duprau asked about the conditions for contractors obtaining a business license. CP Peterson explained that licensed contractors hired to work on the conversion must have a City of Toledo business license.

Commissioner Mix noted an issue with the address numbers for the site. He pointed out that the property is identified as 992 and 1000 SE Sturdevant Road. However, the properties on the east side of SE Sturdevant also show even numbers. He believes that the west side of the street should have odd numbers. CP Peterson noted that they are existing house numbers but they will be reviewed and corrected. Commissioner Mix also asked about the parking space configuration and square footages of the units. CP Peterson confirmed that the spaces are not marked, but one will be on the corner and one in front of the existing apartment. Mr. Lloyd confirmed that there is also space along the SE 10th Street side and at the SE Sturdevant Road side. He clarified that the square footage of the units will not change.

Commissioner Neimann asked if there would be a fence or safety precautions if children are in the units. Mr. Lloyd replied that this could be a concern and that there is room along the SE Sturdevant Road side, north of the building, for a fenced-in area for a yard or play area.

Deliberations: The public hearing was closed and the Commission entered into deliberations. Commissioner Mix stated the request meets the goals and Conditional Use standards. Commissioner Duprau clarified that the applicant would have to obtain the proper permits and inspections, but approval must be based on the Conditional Use criteria. If approved there are several recommended conditions of approval to complete the project.

It was moved and seconded (Neimann/Dyson) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on April 14,

2021, the Planning Commission finds that the request by Nancy Galbraith, Trustee and Authorized Agent John Lloyd, (CU-1-21) complies with the criteria identified in Toledo Municipal Code 17.64.050. The Planning Commission hereby adopts the staff report as findings, as well as the following conditions of approval for CU-1-21, and allowing for the correction of typographical and grammatical errors.

1. Approval is based upon the submitted application and plan, as described in Attachment A of the Staff Report. Development shall conform with the proposed plan and any significant change shall be submitted to the City Planning Department as a modification to the conditional use permit.
2. Any driveway improvements must be coordinated and approved by the Toledo Public Works Director and Fire Chief.
3. Owner/builder shall obtain all necessary building permits including the change of use and change of occupancy permit from the Lincoln County Building Department.
4. Plumbing and Electrical work is required to be completed or certified by licensed specialty contractors.
5. Floodplain Development Permit is required and the building is required to meet the standards in TMC 15.16. The owner/builder shall work with a licensed surveyor to determine the lowest floor elevation and submit an elevation certificate.
6. Applicant shall mark and maintain three (3) parking spaces (TMC 17.44.030(A)(2)).
7. A business license is required for anyone engaging in business activity in the City (TMC 5.04).
8. The previously commercial portion of the structure proposed to be converted to residential shall not be occupied until a certificate of occupancy is obtained.
9. Authorization of the conditional use shall be void after one year if a building permit has not been issued or development has not begun. Authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

The **motion passed** unanimously, noting the absence of Morris.

PUBLIC HEARING: MINOR PARTITION TO CREATE TWO PARCELS FOR PROPERTY LOCATED AT SE STURDEVANT ROAD/SE 10TH STREET (FILE #MP-2-21), REQUESTED BY CITY OF TOLEDO:

President Learned-Ellis opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. Commissioner Mix stated he conducted a site visit to view the property. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. The City-owned property is approximately 21.7 acres and is split-zoned (Natural Resource and Single-Family Residential). Proposed Parcel 1 would be approximately 1.7 acres and contain the Single-Family Residential Zone area. Proposed Parcel 2 would be approximately 20.0 acres and is in the Natural Resource Zone. The new property line would follow the zone boundary line. The property contains an old barn on the southeastern corner of the property, but is otherwise vacant. There are saltwater wetlands on Proposed Parcel 2 and development is limited by a conservation easement. A small area of Proposed Parcel 1 would be in the floodplain. A wetland land use notice has been sent to Oregon Department of State Lands (DSL) and a response will be returned. Easements for water, sewer, and electrical lines constrain the property. City water and sewer services are available to the

property. Notice of the public hearing were mailed to surrounding property owners, published in the newspaper, and sent to the State.

CP Peterson reviewed the zone standards, minor partition criteria, and Comprehensive Land Use Plan housing goals. He noted that residential development could occur on Proposed Parcel 1, but it is not yet proposed. As part of the partition, an access easement should be identified on the plat allowing access across Proposed Parcel 1. Proposed Parcel 2 contains wetlands and estuary area and allowing the access point across Proposed Parcel 1 protects the wetlands. There is no plan to develop Parcel 2. City water and sewer service is available to the site. Staff recommended a condition that any applicable DSL permits be obtained. Access improvements along SE Sturdevant Road will need to be reviewed by Lincoln County. At this time, Lincoln County Road Department has not submitted any comments on the proposal. Staff recommends approval with the adoption of the recommended conditions of approval.

In reviewing the history of the property, CP Peterson explained that the City acquired the property and it was annexed in 1999 and rezoned to Natural Resource Zone. During the 2001 Periodic Review project, the portion of upland area was rezoned to Single-Family Residential. The wetland mitigation project occurred in 2012 and the conservation easement was recorded at that time.

CP Peterson provided a map showing the site location and existing barn. The City could work with local non-profits for future development of Proposed Parcel 1, but this application does not have a proposal for development. Proposed Parcel 1 could be sold in the future. The Single-Family Residential Zone could allow multi-family development as a Conditional Use Permit, with Planning Commission review. Any development of the site would need to maintain setbacks, provide parking, and protect easement areas. Depending on the easement language, parking may be available in the easement areas.

Applicant Testimony: None.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: Wayne Secrist of 1650 SE 16th Place, Toledo, stated that when this was reviewed before, he commented that multi-family development would not be good because of the corner, lack of sidewalks, and added traffic.

Questions by Commission: Commissioner Mix asked about plans for multi-family residential.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Neimann/Dyson) that based on the testimony received, the staff report, and the evidence and arguments before the Planning Commission at the public hearing on April 14, 2021, the Planning Commission finds that the request by the City of Toledo (MP-2-21) complies with the criteria identified in Toledo Municipal Code, Titles 16 and 17, including the criteria identified in Toledo Municipal Code, Section 16.08.070. The Planning Commission hereby adopts the staff report as findings, as well as the following conditions of approval for MP-2-21, and allowing for the correction of typographical and grammatical errors.

1. Partitioning of the property shall be in compliance with the proposed partition plan as

described in the application, plan and drawings submitted and included in Exhibit A of this report.

2. The applicant shall provide a final minor partition plat prepared by a registered surveyor and meeting the plat standards of the City of Toledo and including an approval signature line for the City Manager's signature. The applicant shall submit the final plat to the Lincoln County Surveyor for review, and to the City of Toledo to review for compliance with conditions of approval prior to recording. The applicant shall record the approved final plat with the Lincoln County Surveyor. A copy of the recorded plat shall be submitted by the applicant to the City of Toledo.
3. In accordance with TMC Chapter 16, the final partition plat shall be recorded within one year from the effective date of the Planning Commission approval. One extension of time, not to exceed one year, may be granted to complete the partition if an application for an extension of time is made in writing prior to the expiration date.
4. Protect all existing easements (in addition to being noted on the plat) and, as appropriate, record any new easements to serve the proposed parcels for driveway access and utilities, and comply with the Public Infrastructure Design Standards Manual, before construction permits will be issued.
5. Any driveway modifications adjacent to SE Sturdevant Road shall be reviewed and approved by the Lincoln County Public Works Department.
6. Future development shall be reviewed by the Lincoln County Public Works Department and any applicable road improvements shall be made by the applicant.
7. A recorded access easement providing access by the City of Toledo to cross Proposed Parcel 1 in order to access proposed Parcel 2.
8. Any driveway modification onto a city street, in accordance with the standards specified in the Public Infrastructure Design Standards Manual, may be required as determined by the Public Works Director. If required, it shall be completed within one year of approval of this application, or a deferred development agreement entered into, to address this requirement. Determination will be made when a construction permit has been submitted that identifies the location of proposed construction and length of its driveway, to ensure that the development will comply with Public Infrastructure Design Standards and Fire, Life, Safety standards.
9. The recording of easements (in addition to being noted on the plat) as required and as appropriate by the Public Works Director to serve the interior properties for driveway access and utilities, including water and sewer, in accordance with the minimum width and other standards in the Public Infrastructure Design Standards Manual, before construction permits will be issued.
10. All standards and requirements in the Infrastructure Design Standards Manual, TMC Chapter 16 and 17 are met, as to both parcels marked on Exhibit A.
11. The applicant shall be responsible for obtaining any required Department of Statelands (DSL) permits.
12. The conservation easement boundary shall be defined on the recorded partition plat.

The **motion passed** unanimously, noting the absence of Morris.

PUBLIC HEARING: ANNEX PROPERTY INTO THE CITY LIMITS AND REZONE FROM COUNTY T-C TO CITY GENERAL RESIDENTIAL (FILE #AX-1-21/RZ-2/21), FOR PROPERTY LOCATED AT SE 16TH PLACE, REQUESTED BY CITY OF TOLEDO:

President Learned-Ellis opened the public hearing by stating the nature and purpose. There were no declarations of ex parte contact, bias, or conflict of interest reported. Commissioner Mix stated he

conducted a site visit to view the property. The statements of rights and relevances and rights to appeal were previously read.

Staff Report: CP Peterson reviewed the staff report as on file at City Hall. He reported that the City-owned property is approximately .91 acres and off of SE 16th Place. The property is contiguous with the City limit line and in the Urban Growth Boundary. The proposed rezone to General Residential (R-G) is consistent with the Comprehensive Land Use Plan. The property contains steep slopes on the south and east sides and potential wetlands are on the site. No development is proposed yet, but future construction would have to address wetlands and a wetland delineation report will be required by the State before development occurs. Statewide Planning Goal 4-Forest Lands does not apply to cities. City water and sewer services are available to the property. The Planning Commission would make a recommendation to the City Council on the proposal and the City Council makes the final decision.

CP Peterson reviewed annexation and rezone criteria and proposed findings. There is a possibility that the City could work with a non-profit organization to develop the property in the future. At this time, there is no development plan for the site. Any development would have to meet the General Residential Zone standards and address wetlands. Staff received one comment from neighbor Wayne Secrist.

Applicant Testimony: None.

Proponent Testimony: None.

Opponent Testimony: None.

Other Interested Parties: Wayne Secrist of 1650 SE 16th Place, Toledo reported his property borders where the new road would be placed. There is approximately 15' from his property to a new road. He is concerned with erosion of the area. The property on the west is rather steep and contains timber. Toledo is a Tree City USA city and it would be good to retain the large trees on this lot. While he understands the shortage of land for homes, it will cost a lot to develop this site. In answer to Commissioner questions, Mr. Secrist identified the slope of the property, general location of the level area, tree conditions, and potential wetlands.

Questions by Commission: CP Peterson responded to Commissioner questions, reporting that the site would be included in the Buildable Lands Inventory if annexed, the site may contain 25% slopes and construction may need a geo-tech study. Mr. Secrist stated that one neighbor has seen fish in the creek, but ODFW would need to confirm if it is a fish-bearing stream. Commissioner Mix suggested the Natural Resource Zone if the stream needs to be protected. CP Peterson noted that the R-G Zone was identified in the Comprehensive Land Use Plan and the Natural Resource Zone would require a Comp Plan amendment. If it cannot be developed because of the constraints, it could go through a plan amendment process in the future. Also, easements could be recorded for protection of special features.

President Learned-Ellis confirmed that the Planning Commission makes a recommendation to the City Council. The Council will need to hear the concerns. Commissioners discussed the option of a Natural Resource Zone designation in the future and depending on future plans for the site. CP Peterson clarified that the property is currently zoned Timber-Conservation in the County, which

has very limited development options. Because of the slopes and potential wetlands, development would be very challenging. A future developer would have to show how development will address the constraints and may require engineering. Commissioner Dyson questioned if the property is undevelopable, why request the annexation? President Learned-Ellis offered to continue the hearing asking for more information. Commissioner Duprau suggested a site visit to view the issues. CP Peterson noted his findings from his site visit and agreed it would be challenging. Commissioner Warfield would like the property included in the upcoming Buildable Lands Inventory to review the constraints. Commissioners discussed if the property should be annexed if there are development issues and neighbor concerns. CP Peterson clarified that the surrounding property owners were notified of the request and the City does not have to take annexations to a City-wide vote. CA Robinson noted a typo in the staff report, correcting language identified in ORS 222-125 "...need not call..."

Commissioners continued to discuss if the hearing should be continued or site visits conducted. Commissioners asked that their concerns be heard and if they should be included in a recommendation. Commissioners discussed amending the proposed recommendation motion to include language asking for further investigation on how buildable the property is.

Deliberations: The public hearing was closed and the Commission entered into deliberations. It was moved and seconded (Learned-Ellis/Warfield) that based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing on April 14, 2021, the Toledo Planning Commission recommends, with additional review regarding buildability of land, approval of the annexation and rezone request as meeting the applicable criteria including ORS 222.111 (1) and (2) and ORS 222.125, The 2000 Toledo Comprehensive Land Use Plan, and Toledo Municipal Code Section 17.80.050 and the Commission adopts the proposed facts and findings presented in the staff report, allowing for the correction of typographical and grammatical errors.

The **motion passed** unanimously, noting the absence of Morris.

DISCUSSION ITEM: PLANNING COMMISSION/CITY COUNCIL JOINT WORKSESSION
APRIL 28, 2021:

CP Peterson announced a joint worksession with the City Council and Planning Commission will be held April 28th at 6:00 pm. This will be a review of the updates to the housing and recreational vehicle codes.

DISCUSSION ITEM: UPDATES AND REPORTS: None.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS: Commissioner Mix reported he is a wildland fire expert and wanted to provide information from the National Fire Protection Association (NFPA) to show how to protect homes and create a defensible space. There are a lot of planning resources and options for review. May is national fire prevention month and it's a good time to review potential fire hazards. A draft map was presented showing pre-emergency planning issues. It would be good for the City of Toledo to create a similar map. Commissioners voiced support of the idea and copies of the materials will be distributed to Commissioners. Commissioners would also like to see Toledo Rural Fire District involved as well.

CP Peterson noted that the Lincoln County Natural Hazards Mitigation Plan identifies the need for public education and it is good to have the materials to meet this goal. The information can be sent out the Planning Commissioners and shared on the City's webpage. Commissioner Mix added that it would be good to have a list/map of all City-owned properties, as they could provide alternative water sources for fire purposes.

President Learned-Ellis stated it will be nice to see everyone April 28th.

There being no further business before the Commission, the meeting was adjourned at 9:20 pm.

Secretary

President

TOLEDO PLANNING COMMISSION

STAFF REPORT

PROPERTY: Lincoln County Assessor's Map # 11-10-7 Tax Lot 600
5441 Hwy 20, Toledo, Oregon

APPLICATION #: CU-2-21

APPLICANT: Dahl & Dahl Inc. (Property Owner)
Ryan Crotty, Maul Foster & Alongi, Inc. (Authorized Agent)

APPLICATION DATE: April 7, 2021

HEARING DATE: Planning Commission – May 12, 2021

REQUEST: The applicant is requesting a Conditional Use Permit to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baling and wrapping equipment would process baled comingled recyclables from existing waste haulers and the material pressed into bales and wrapped before loaded onto trucks for transport.

LOCATION: The property is located west of the Hwy 20/ Western Loop intersection.

PARCEL SIZE: Approximately 13.82 acres

I. REPORT OF FACTS:

1. Plan Designation: Light Industrial (LI)
2. Zone Designation: Light Industrial (LI)
3. Existing Structures: Mini storage, office, transfer and recycling operations buildings.
4. Topography: Some steepness on the edge of the property. The proposed structure is located on a relatively flat surface.
5. Development Constraints: Floodplain and wetlands on a portion of the western edge of the property.
6. City water: Currently not available.
7. City sewer: Currently not available
8. Notice of Public Hearing: Notices mailed to 10 property owners and 19 public/service agencies on April 22, 2021.
9. Notice Published: April 28, 2021 and May 5, 2021
10. Comments Received: Public Works Director, Fire Chief, and Police Chief all reviewed the application.
11. Attachments to the Staff Report: A. Application with supporting information
B. Zoning Maps

- C. Aerial Map
- D. Floodplain Map
- E. Temporary Approval Documents

II. AUTHORITY:

TMC 17.64.020 states that conditional uses may be permitted by the Planning Commission in accordance with the standards and procedures specified in this ordinance [Toledo Zoning Ordinance]. Future significant enlargements or major alterations of a conditional use shall also be reviewed by the Commission and new conditions may be imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional but which existed prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

The Planning Commission will be considering the facts and criteria identified in this report and testimony/information received through the close of the public hearing, as it reviews this conditional use request on May 12, 2021.

III. APPLICABLE CRITERIA FOR EVALUATING THE CONDITIONAL USE REQUEST AND STAFF ANALYSIS:

The following Comprehensive Land Use Plan and ordinance standards apply to this request. The standards are listed below in regular type. Staff analysis, including facts and findings, are below the Comprehensive Plan and ordinance standards in an italicized font.

1. **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 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 or can be reviewed for compatibility through the conditional use process. The map designations and the uses allowed in the designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

...

Industrial – This designation provides a wide variety of industrial and light-industrial uses and recognizes that some water-dependent uses such as boat building and repair are appropriate industrial uses within the industrial designation. The intent is to encourage industrial growth and provide for industrial development an appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy diverse, and stable local economy. The Industrial plan designation is implemented by the zoning map designations of Industrial, Light-Industrial, and/or Water-Dependent.

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

...

Light-Industrial (L-I) – The purpose of the L-I zone is to provide area for lighter

industrial development around the areas of heavy industry for manufacturing, related establishments, and certain commercial and public uses which have a limited impact on surrounding properties.

3. TMC Sections 17.20.010 – 17.20.040 – Light Industrial (LI) Zone.

TMC 17.20.010 Purpose.

The purpose of the light industrial zone is to implement the Toledo Comprehensive Land Use Plan by providing areas to serve a variety of manufacturing and other industrial activities with limited external impacts and to serve as a transition area between commercial, public and residential uses and heavier industrial uses.

Uses permitted in the L-I zone are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, wholesaling and warehousing. The external impact from these uses is generally less than uses permitted in the industrial zone, and transportation needs are often met by truck. Activities are generally located indoors, although there may be some outdoor storage, delivery, and loading. Offices and commercial uses are permitted on a limited basis, and only in conjunction with a permitted L-I use.

TMC 17.20.020 Uses permitted outright.

In the L-I zone, the following uses and their accessory uses are permitted, subject to applicable standards, provided that the uses occur in a building or buildings that together do not exceed forty thousand (40,000) square feet of floor area. Special standards for certain uses (marked with an asterisk (*)) are found in Section 17.20.040.

- A. Assembly plants.
- B. Limited manufacturing.
- C. Contractor's warehouse and shop.
- D. Crane business and related operations.
- E. Storage in conjunction with a permitted use.
- F. Machine shop and fabrication.
- G. Mini-storage.
- H. Parking in conjunction with uses permitted in the L-I zone.
- I. Governmental and utility uses such as a pumping station, utility service yard, utility substation, public works shop, public safety services, or similar facilities.
- J. Separate office building and/or retail sales in conjunction with a permitted use.*
- K. Wholesale trade.
- L. Auto body shop.*
- M. Truck and car repair and service-minor.*
- N. Boat building and/or boat repair and related launch facility.
- O. Automobile service stations.
- P. One security dwelling as a separate structure or one security dwelling as part of a building for light industrial use that complies with applicable codes for mixed use occupation. A security dwelling may only be allowed as an accessory use in conjunction with uses permitted in the L-I zone.*
- Q. Temporary street vendors/seasonal commercial uses not to exceed six months.
- R. Uses permitted outright in the commercial zone, but only on parcels with frontage on Business Highway 20.
- S. Warehousing.
- T. Railroad line and associated uses.

- U. Commercial fishing gear maintenance, repair and storage.
- V. Food production and/or beverage production.
- W. Research and development.
- X. Low intensity recreation.
- Y. Timber-based operations, excluding milling and/or processing of wood and paper products.
- Z. Commercial marina or moorage, and or charter boat operation.
- AA. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC 17.20.030 Conditional uses permitted.

- A. A use permitted outright in the L-I zone, in which the building or buildings provided for the use exceed forty thousand (40,000) square feet of floor area.
- B. Bulk storage of flammable liquids and gases.
- C. Eating or drinking establishments, including take-out or drive-in services.
- D. Industrial museum.
- E. Processing and manufacturing operations, excluding the following: 1. Asphalt mixing and batching. 2. Explosives manufacturing. 3. Petroleum or petroleum products refining. 4. Fertilizer manufacture. 5. Gas manufacture. 6. Slaughterhouse or rendering facility.
- F. Shipping facilities.
- G. Shoreline stabilization as defined in the Lincoln County Estuary Management Plan.
- H. Truck and car repair and service—major.
- I. Waste transfer, recycling facility, or scrap metal facility.**
- J. Drive-in use for uses which are permitted outright or as conditional uses in the L-I zone.
- K. Concrete mixing and batching, but excluding asphalt mixing and batching.
- L. Medical marijuana dispensary facility.
- M. Marijuana producer, marijuana processor, marijuana wholesaler, and marijuana laboratory. Marijuana retailer may be approved when medical marijuana dispensary facility is an approved use at the same site.
- N. Uses which are similar in character, scale and performance to those permitted outright or conditionally in the L-I zone and which conform with the purpose of the zone.

Staff Analysis: The property identified as 5441 Hwy 20 Toledo (Map 11-10-7 Tax Lot 600) is approximately 13.82 acres and located in the Light Industrial (LI) Zone.

The applicant, Dahl & Dahl Inc. (Authorized Agent- Ryan Crotty, Maul Foster & Alongi, Inc.) is now requesting a Conditional Use to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baling and wrapping equipment would process baled commingled recyclables from existing waste haulers and the material pressed into bales and wrapped before loaded onto trucks for transport.

4. 2000 Toledo Comprehensive Land Use Plan – Article 9: Economic Development, Goals 1, 3, 4, and 5, Objective 7:

- GOAL 1. Improve the economic position of all elements of Toledo's economic base by retaining and expanding the current businesses while recruiting new businesses

into the community.

- GOAL 3. Diversify the economic base of the Toledo area and strengthen the role as the industrial center for Lincoln County.
- GOAL 4. Encourage employment and business opportunities that assist Toledo's residents to maintain the highest per household average income in Lincoln County.
- GOAL 5. Assure that regulatory requirements provide for high standards of public health, safety, environmental protection, and welfare but are structured to support economic development.
- OBJECTIVE 7. Maintain Toledo's economic strength in the wood products, fishing and other resource based industries while diversifying the industrial base within the community.

Staff Analysis: In the application materials, the applicant states that, "Dahl and Dahl, Inc. (the applicant) currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In collaboration with Georgia-Pacific, the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment." The subject property historically has been use as a recycling facility and storage units. Proposed development of the baler facility is a permitted Conditional Use within the LI Zone. The proposed baler facility meets the Comprehensive Land Use Plan Economic Development Goals and Objectives because the application, 1) improves the economic position of Toledo by retaining and expanding current businesses, 2) diversifies the economic base of Toledo, and 3) encourages employment and business opportunities that assist Toledo's residents maintain a high per household average income.

The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.

EVALUATION CRITERIA – CONDITIONAL USE PERMITS

5. TMC 17.64.010 – 17.64.050 Conditional Use Permits

17.64.010 Purpose.

A use is designated as a conditional use within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property. A review of a conditional use is a Type III review.

17.64.020 Authorization to grant or deny conditional use permits.

Uses designated in this ordinance as permitted conditional uses may be permitted by the planning commission in accordance with the standards and procedures specified in this ordinance. **Future significant enlargements or major alterations of a conditional use shall also be reviewed by**

the commission and new conditions may be imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional but which existed prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

17.64.030 Application submission requirements for conditional use permits.

A property owner or the owner's authorized agent may initiate a request for a conditional use by filing a completed application with the city manager along with the appropriate fee as set by city council resolution. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use. The planning commission or city manager may require other drawings or material necessary to an understanding of the proposed use and its relationship to surrounding properties as part of a complete application.

17.64.040 Conditions for development.

The planning commission shall review and make a decision to approve or deny a conditional use request in accordance with the standards and procedures for a Type III review as set forth in Toledo Municipal Code Chapter 19.16.

In approving a conditional use request, the planning commission may impose any conditions determined by the commission to be necessary and appropriate to ensure that the use will comply with all applicable provisions of this section. Such conditions may include, but are not limited to:

- A. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establish a special yard or other open space or lot area or dimension.
- C. Limit the height, size or location of a building or other structure.
- D. Designate the size, number, location or nature of vehicle access points.
- E. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.
- G. Limit or otherwise designate the number, size, location, height or lighting of signs.
- H. Limit the location and intensity of outdoor lighting or require its shielding.
- I. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- J. Designate the size, height, location or materials for a fence.
- K. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Specify other conditions to permit development in conformity with the intent and purpose of the conditional classification of development.

17.64.050 Standards governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

- A. In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:
 - 1. The site under consideration is suitable for the proposed use considering:
 - a. The size, design and operating characteristics of the use.

- b. The adequacy of transportation access to the site.
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.
2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.

Staff analysis: On November 4, 2020 the City Council approved the temporary Research & Development (R & D) for Dahl Disposal for six months. During the temporary six month approval Dahl could apply for the Conditional Use Permit for further operations. The temporary tent was constructed in March 2021.

The six month temporary approval for R & D will expire on May 4, 2021. The applicant submitted an application for a conditional use on April 7, 2021. The conditional use application will be reviewed by the Toledo Planning Commission on May 12, 2021. The conditional use application will not be approved prior to the temporary R & D expiring, therefore, staff requested that the applicant submit a request to renew the temporary R & D. The temporary R & D proposal will be reviewed by City Council on May 5, 2021 for renewal. The conditional use application evaluated by the Planning Commission will allow long term operation of the facility.

History of Land Use and Building Permit Approvals

- *December 1992 Lincoln County Conditional Use for a waste transfer facility*
- *February 22, 1994 Urban Growth Boundary Expansion and Annexation*
- *July 20, 1998 Removal and Fill Permit*
- *May 17, 1999 and June 1, 1999 Building Permits for storage units*
- *June 15, 2000 Retaining wall permit*
- *September 10, 2001 Building permit for a 30' x 70' Building*
- *October 10, 2002 Removal fill permit*
- *December 23, 2002 Building Permit for Storage units*
- *June 16, 2003 Building Permit for a 1,350 square foot storage unit building*
- *June 19, 2002 Removal and Fill Permit*
- *June 19, 2007 Removal and Fill Permit*
- *April 15, 2010 a conditional use (CU-2-10) to add the recycling of vehicles to the transfer and recycling operation was approved by the Toledo Planning Commission.*
- *May 13, 2010 DMV Dismantler permit (Land Use Compatibility Statement)*
- *April 22, 2013 DMV Dismantler permit (Land Use Compatibility Statement)*
- *March 24, 2016 DMV Dismantler permit (Land Use Compatibility Statement)*
- *April 1, 2019 DMV Dismantler permit (Land Use Compatibility Statement)*
- *November 4, 2020 City Council Temporary R & D approval*
- *November 16, 2020 DEQ Land Use Compatibility Statement*
- *December 4, 2020 Removal and Fill Permit*

According to the application materials, the owner provides the following information for the proposed development:

- 1) *The approximately 13.82 acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use on the site. The baler facility has already been designed and constructed. The facility is located directly*

northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby avoiding impacts to sensitive natural resources.

- 2) The baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing in the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed on March 5th 2021. The facility began testing the equipment on March 5th, 2021.*
- 3) Highway 20 provides access to the site and the existing driveway serves both trucks using the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment on March 8th, 2021.*
- 4) The baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.*
- 5) The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use, rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use will marginally increase due to expansion of operations at the site, no additional offsite impacts are anticipated given the unique characteristics of the site and nature of the baler facility's operation.*
- 6) The site itself is bordered by Highway 20 to the east and forest land to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.*

Businesses within the City are required to have a business license to engage in business activity in the City of Toledo (TMC 5.04). Dahl & Dahl Inc. currently has an active business license. Staff recommends a condition of approval that a business license is required for anyone engaging in business activity in the City (TMC 5.04).

The requested conditional use permit to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone meets the criteria in TMC 17.64.050(A).

- 1) The proposed baler facility is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use.*

- 2) *The property has proper access to a state highway, Highway 20. The Oregon Department of Transportation (ODOT) was sent notice and no comments were received. Staff recommends a condition of approval that any driveway improvements are coordinated with ODOT.*
- 3) *The applicant submitted a preliminary geo-tech report to the City of Toledo. Staff recommends a condition of approval that the final geo-tech report shall be submitted to the City of Toledo.*
- 4) *The proposed baler facility is buffered from surrounding uses.*

The Toledo Fire Department provided comments on the proposed baler facility. Based on Oregon Fire Code Section 3103.5, temporary tent structures are limited to 180 days. The tent structure was in place on, or around, March 1, 2021. Due to the fire code restriction, the City can allow the temporary use until August 28, 2021. The proposed temporary tent may be allowed longer if approved by the Toledo Fire Department. Staff recommends a condition of approval that the applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.

Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.

Authorization of the conditional use shall be void after one year if a building permit has not been issued or development has not begun. Authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

B. In addition to other standards of the zone in which the conditional use is located, certain uses shall comply with the following additional standards:

...

3. Waste transfer, recycling facility, or scrap metal facility.
 - a. Facilities must be fenced and shall be secured from unauthorized entry and the removal of materials when attendants are not present.
 - b. Facilities and storage shall be located no closer than thirty (30) feet from any property line.
 - c. Hours of operation shall be established, and the facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
 - d. The site shall be maintained free of litter, odors, pests, and any other undesirable material, and shall be cleaned of loose debris on a daily basis.
 - e. Space shall be provided on the site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.
 - f. Containers provided for after-hours donations of recyclable materials shall be at least fifty (50) feet from any property zoned general residential or single-family residential, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or the removal of materials.

- g. Donation areas shall be kept free of litter, odors, pests, and any other undesirable material. The containers shall be clearly marked to identify the type of material, which may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

Staff findings: According to the application materials, the owner provides the following information for the proposed development:

- a. *Access to the site is provide by Highway 20, and the existing driveway entrance is gated to prevent unauthorized entry when the facility is closed. While the baler facility is not fenced, the steep topography and remote location of the facility effectively precludes unauthorized entry, which substantially complies with this requirement.*
- b. *The smallest setback between the baler facility and a property line (front yard) is approximately 80 feet.*
- c. *Although the baler facility is not open for public use, its hours of operation are consistent with the primary solid waste and recycling transfer station (8:30 a.m. to 4:30 p.m.) at the site. The baler facility would remain in operation seven days a week.*
- d. *As coordinated with the Oregon Department of Environmental Quality, operation of the baler facility is covered under the primary solid waste and recycling transfer station operational permit or site designation; an update to the site's Operations Plan is currently underway. A component of the plan is to establish best management practices for facility operation. This includes, but is not limited to, specific measures and good practices to contain all recyclables and waste on-site, reduce odor, prevent pests or vectors, and maintain a general level of cleanliness. As the baler facility will be included in the amended Operations Plan, all Oregon Department of Environmental Quality-approved operational best management practices would apply.*
- e. *The baler facility would not be open to public use.*

Based on the submitted materials and staff review the following findings are proposed.

- a. *The existing driveway access is gated which prevents unauthorized access to the facility. The entire property is not fenced but the property is elevated and steep slopes prevent unauthorized entry.*
- b. *The proposed structure will be located approximately 80 feet from the closest property line. Staff finds that the facilities and storage will not be located closer than thirty (30) feet from any property line.*
- c. *The baler facility is not open for public use. The baler facility will be open seven days a week from 8:30 am – 4:30 am.*
- d. *The applicant is in the process of updating the site's Operation plan and coordinating that update with Oregon Department of Environmental Quality (DEQ). The Operations Plan includes best practices to contain all recyclables and solid waste. The applicant states the baler facility will be included in the amended Operations Plan. The site shall be maintained free of litter, odors, pests, and any other undesirable material, and shall be cleaned of loose debris on a daily basis. Staff recommends that this is listed as a condition of approval.*
- e. *The proposed baler facility is located away from the existing recycling buildings and equipment. The proposed baler facility is not open to the public, no after-hours recycling, and no donation areas are proposed with this application. TMC 17.64.050(B)(3)(e-g) are not applicable to this application.*

Staff finds based on the information in the record the application meets the criteria in TMC 17.64.050(B)(3).

FURTHER STAFF ANALYSIS:

The request by the current owner, Dahl & Dahl Inc., would be compatible with surrounding land uses. Neighboring properties to the West and North are zoned County Timber Conservation (T-C). Neighboring properties to the East are zoned County Agricultural Conservation (A-C) and City Light Industrial (LI). Neighboring properties to the South are County Agricultural Conservation (A-C) and County Timber Conservation (T-C). The proposed development will be compatible with the current rural and industrial character and flavor of the neighborhood. (See Attachment B - Zoning Maps).

A portion of the subject property is located within the floodplain and is located within an area identified as wetlands. The proposed location of the baler facility is not located within the area identified as floodplain or wetlands. A wetland land use notification (WLUN) was sent to the Department of Statelands (DSL) on October 29, 2020 (WN2020-0795). The proposed location has not changed and the DSL response indicated that the proposed construction appears to avoid impacts to jurisdictional wetlands or waters.

The Toledo Public Works Department has been advised of the proposal. Both water and sewer are currently not available.

IV. FACTS AND FINDINGS:

The applicant is requesting approval of a conditional use to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baling and wrapping equipment would process baled comingled recyclables from existing waste haulers and the material pressed into bales and wrapped before loaded onto trucks for transport. Based upon the information received by City staff through May 5, 2021, the conditional use request appears to conform with relevant provisions of the City's plans and ordinances as described below. The following recommended findings support approval of the conditional use:

1. The property identified as 5441 Hwy 20, Toledo (Map 11-10-7 Tax Lot 600) is approximately 13.82 acres and located in the Light Industrial (LI) Zone.
2. The applicant, Dahl & Dahl Inc. (Authorized Agent- Ryan Crotty, Maul Foster & Alongi, Inc.) is now requesting a Conditional Use to allow to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone. The new baling and wrapping equipment would process baled comingled recyclables from existing waste haulers and the material pressed into bales and wrapped before loaded onto trucks for transport.
3. In the application materials, the applicant states that, "Dahl and Dahl, Inc. (the applicant) currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In

collaboration with Georgia-Pacific, the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment." The subject property historically has been used as a recycling facility and storage units. Proposed development of the baler facility is a permitted Conditional Use within the LI Zone. The proposed baler facility meets the Comprehensive Land Use Plan Economic Development Goals and Objectives because the application, 1) improves the economic position of Toledo by retaining and expanding current businesses, 2) diversifies the economic base of Toledo, and 3) encourages employment and business opportunities that assist Toledo's residents maintain a high per household average income.

4. The application has been reviewed in compliance with and is consistent with Toledo's Comprehensive Land Use Plan goals and policies.
5. According to the application materials, the owner provides the following information for the proposed development:
 - a. The approximately 13.82 acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use on the site. The baler facility has already been designed and constructed. The facility is located directly northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby avoiding impacts to sensitive natural resources.
 - b. The baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing in the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed on March 5th 2021. The facility began testing the equipment on March 5th, 2021.
 - c. Highway 20 provides access to the site and the existing driveway serves both trucks using the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment on March 8th, 2021.
 - d. The baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.
 - e. The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use, rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use will marginally increase due to expansion of operations at the site, no additional offsite impacts are anticipated given the unique characteristics of the site and nature of the baler

facility's operation.

- f. The site itself is bordered by Highway 20 to the east and forest land to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.
6. Based on the submitted materials and staff review the following findings are proposed.
 - a. The existing driveway access is gated which prevents unauthorized access to the facility. The entire property is not fenced but the property is elevated and steep slopes prevent unauthorized entry.
 - b. The proposed structure will be located approximately 80 feet from the closest property line. Staff finds that the facilities and storage will not be located closer than thirty (30) feet from any property line.
 - c. The baler facility is not open for public use. The baler facility will be open seven days a week from 8:30 am – 4:30 am.
 - d. The applicant is in the process of updating the site's Operation plan and coordinating that update with Oregon Department of Environmental Quality (DEQ). The Operations Plan includes best practices to contain all recyclables and solid waste. The applicant states the baler facility will be included in the amended Operations Plan. The site shall be maintained free of litter, odors, pests, and any other undesirable material, and shall be cleaned of loose debris on a daily basis. Staff recommends that this is listed as a condition of approval.
 - e. The proposed baler facility is located away from the existing recycling buildings and equipment. The proposed baler facility is not open to the public, no after-hours recycling, and no donation areas are proposed with this application. TMC 17.64.050(B)(3)(e-g) are not applicable to this application.
 7. A portion of the subject property is located within the floodplain and is located within an area identified as wetlands. The proposed location of the baler facility is not located within the area identified as floodplain or wetlands. A wetland land use notification (WLUN) was sent to the Department of Statelands (DSL) on October 29, 2020 (WN2020-0795). The proposed location has not changed and the DSL response indicated that the proposed construction appears to avoid impacts to jurisdictional wetlands or waters.
 8. Based on City records, Dahl & Dahl Inc. has a business license to engage in business activity in the City of Toledo (TMC 5.04).
 9. The requested conditional use permit to allow an expansion of the waste transfer/recycling facility for the operation of a baler facility in the Light-Industrial Zone meets the criteria in TMC 17.64.050(A).
 - a. The proposed baler facility is suitable for the site, considering the lot size, and applicant's proposed design and operating characteristics of the use.
 - b. The property has proper access to a state highway, Highway 20.

- c. The applicant submitted a preliminary geo-tech report to the City of Toledo.
 - d. The proposed baler facility is buffered from surrounding uses.
10. The Toledo Fire Department provided comments on the proposed baler facility. Based on Oregon Fire Code Section 3103.5, temporary tent structures are limited to 180 days. The tent structure was in place on, or around, March 1, 2021. Due to the fire code restriction, the City can allow the temporary use until August 28, 2021. The proposed temporary tent may be allowed longer if approved by the Toledo Fire Department. Staff recommends a condition of approval that the applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.
 11. The request by the current owner, Dahl & Dahl Inc., would be compatible with surrounding land uses. Neighboring properties to the West and North are zoned County Timber Conservation (T-C). Neighboring properties to the East are zoned County Agricultural Conservation (A-C) and City Light Industrial (LI). Neighboring properties to the South are County Agricultural Conservation (A-C) and County Timber Conservation (T-C). The proposed development will be compatible with the current rural and industrial character and flavor of the neighborhood.
 12. Based on TMC 17.64.040, the Planning Commission has authority to impose conditions to mitigate issues the Commission finds appropriate, such as minimize environmental effects such as noise/vibration/air pollution/glare/odor, establish open spaces, limit building height or vehicle access points, provide screening/drainage/fencing/parking/landscaping improvements, limit signs and outdoor lighting, or protect existing natural resources.
 13. The City Public Works Director, Police and Fire Chief have all reviewed the application and had no issues with the proposal.
 14. City water and city sewer are currently not available.
 15. Notification to surrounding property owners, 19 public/service agencies, and publication of the proposed Conditional Use Permit were completed in accordance with the Toledo Municipal Code requirements.

V. STAFF RECOMMENDATION:

Based on the staff report, testimony received, and analysis of the applicable code and land use planning goals, staff recommends the Planning Commission approve Case File CU-2-21, subject to the following conditions:

1. Approval is based upon the submitted application and plan, as described in Attachment A of the Staff Report. Development shall conform with the proposed plan and any significant change shall be submitted to the City Planning Department as a modification to the conditional use permit.
2. Any driveway improvements must be coordinated and approved by the Oregon Department of Transportation (ODOT).

3. The applicant shall replace the temporary tent with a permanent structure. The Toledo Fire Department may approve the extension of the temporary structure.
4. The final geo-tech report shall be submitted to the City of Toledo.
5. The site shall be maintained free of litter, odors, pests, and any other undesirable material, and shall be cleaned of loose debris on a daily basis.
6. A business license is required for anyone engaging in business activity in the City (TMC 5.04).
7. Authorization of the conditional use shall be void after one year if a building permit has not been issued or development has not begun. Authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

PROPOSED MOTION (CU-2-21):

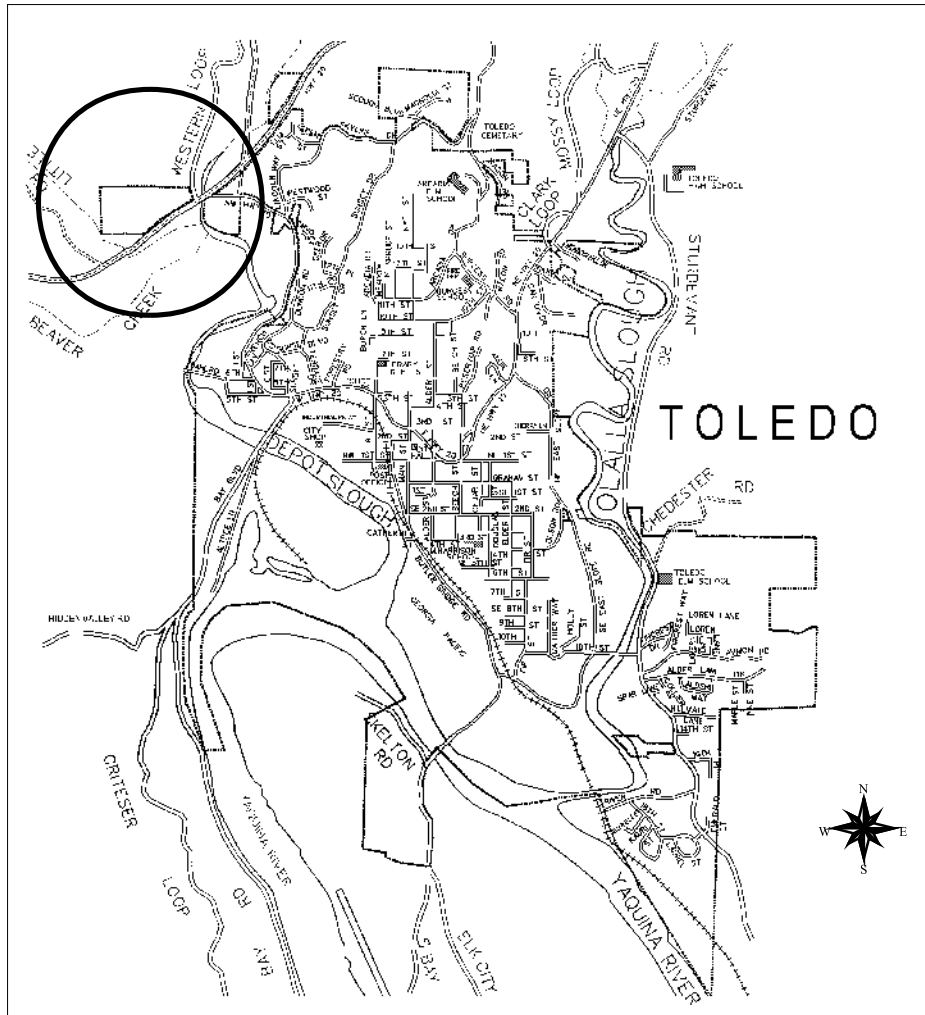
BASED ON THE TESTIMONY RECEIVED, THE STAFF REPORT, AND THE EVIDENCE AND ARGUMENTS BEFORE THE PLANNING COMMISSION AT THE PUBLIC HEARING ON MAY 12, 2021, THE PLANNING COMMISSION FINDS THAT THE REQUEST BY DAHL & DAHL INC. AND AUTHORIZED AGENT RYAN CROTTY, MAUL FOSTER & ALONGI, INC., (CU-2-21) COMPLIES WITH THE CRITERIA IDENTIFIED IN TOLEDO MUNICIPAL CODE 17.64.050. THE PLANNING COMMISSION HEREBY ADOPTS THE STAFF REPORT AS FINDINGS, AS WELL AS THE PROPOSED CONDITIONS OF APPROVAL FOR CU-2-21, AND ALLOWING FOR THE CORRECTION OF TYPOGRAPHICAL AND GRAMMATICAL ERRORS.

VI. PLANNING COMMISSION ROLE:

The Planning Commission should evaluate the applicant's proposal and all testimony presented to them in order to make findings which demonstrate that the applicable criteria in the Toledo Municipal Code and Comprehensive Plan can be satisfied. The decision of the Planning Commission should be based on the report of facts and analysis contained within the Staff Report, as well as the facts and testimony presented by the applicant and those who support or oppose the request given at the public hearing. Any action on the application should address the applicable criteria as contained in the Toledo Municipal Code. The decision of the Planning Commission shall be final unless appealed to the City Council.

Justin Peterson
Contract Planner

Location Map



Site Map



ATTACHMENT A

Application with Supporting Information (City of Toledo File #CU-2-21)

CITY OF TOLEDO LAND USE APPLICATION

Date March 29, 2021

Property Owner Dahl & Dahl, Inc.

Telephone (503) 930-0291

Mailing Address PO Box 357

Toledo, Oregon, 97391

Authorized Agent Ryan Crotty (Maul Foster & Alongi, Inc.)

Telephone (253) 740-8498

Property Address 5441 West Highway 20, Toledo, OR, 97391

Property Size 13.82 Acres

Property Location Far northwest corner of City limits

Assessors Map No. 11S10W07

Tax Lot No. 600

Present Zoning Light Industrial

Proposed Change Not Applicable

Comprehensive Plan Designation Industrial

Current Land Use Industrial (Dahl Disposal Services [Waste and Recycling Transfer Facility])

Existing Structures (if any) The property is currently used by Dahl Disposal Services; please see attached memorandum for details regarding existing structures.

Proposal for which this request is being made (attach additional sheets if needed) Dahl Disposal services is applying for a Conditional Use Permit to continue operation of a temporary baler facility, previously permitted through the City of Toledo as a research and development project. The City of Toledo issued a temporary permit to construct and operate the baler facility with a condition that after 6 months the applicant must apply for a conditional use permit for continued operation. Please see the attached memorandum for more details.

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.

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

*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.

For Office Use Only

Date Received _____

Received By _____

Fee Paid \$400

City File No. CU-2-21

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 City Planner 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.

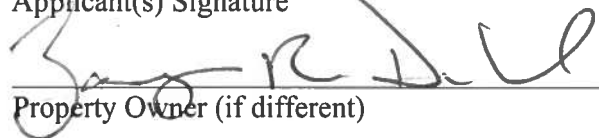
☒ yes

Other _____

☐ yes



Applicant(s) Signature



Property Owner (if different)

3/29/2021

Date

4/20/2021

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 _____
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:

Public Works Director

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 Fire inspection already conducted.

REVIEWED AND APPROVED BY:

[Signature]
Fire Chief Inspector/Captain

4/22/21
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:

Chief of Police

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

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:

Fire Chief Date

Police Department

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

Comments _____

REVIEWED AND APPROVED BY:

 04/22/21
Chief of Police 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



MEMORANDUM

To: City of Toledo, Planning Department

Date: March 31, 2021

From: Ryan Crotty, Planner

Cem Gokcora, P.E.

MFA Project No.: 0766.03.01

RE: Dahl Disposal Services—Temporary Baler Facility Conditional Use Permit Application

1.0 Introduction

1.1 Project Background and Purpose

Dahl and Dahl, Inc. (the applicant) currently operates the Toledo Transfer and Recycling Center in Toledo, Oregon. The facility receives municipal solid waste and recycling from residential and commercial customers from Toledo, Siletz, Waldport, Yachats, and rural southern and eastern Lincoln County. In collaboration with Georgia-Pacific, the applicant has initiated a pilot program to test the effectiveness of Georgia-Pacific Juno's new baling and wrapping equipment. To date, the applicant has received City of Toledo authorization to construct and operate a temporary baler facility for a period of six months with an optional six-month extension. A condition of approval associated with this authorization requires the applicant to obtain a Conditional Use Permit for the continued use of the baler facility before the six-month permit expires.

The purpose of this application is to request a Conditional Use Permit for continued operation of the baler facility. This memorandum includes a consistency analysis that addresses pertinent Conditional Use Permit criteria for City of Toledo consideration.

1.2 Project Description

As authorized by the City of Toledo, the applicant currently operates a baler facility as part of a research and development program. The purpose of this program is to test Georgia-Pacific Juno's new baling and wrapping equipment that processes baled comingled recyclables from existing waste haulers. Material is pressed into bales and securely wrapped before being loaded into trucks and transported to Georgia-Pacific Juno facility for final processing.

During the test period of the baler facility, commercial waste and comingled recycled material may be received from existing waste companies, processed, and transported to the Georgia-Pacific Juno facility for disposal.

The baler facility consists of a 100-foot by 100-foot, 10,000-square-foot concrete pad. The baler equipment is staged on the pad and enclosed by a heavy-duty tent that is approximately 30 feet tall. Construction of the facility included improving truck access and queuing in the site and extending utilities (water, sewer, stormwater, and power) to the baler facility. These improvements were completed on March 5th, 2021. The facility began testing the equipment on March 8th, 2021.

This Conditional Use Permit application requests approval for the continued operation of the baler facility. Operation would continue as described above with no proposed expansion or improvements to the existing facility. Appropriate permits from the City of Toledo would be acquired in the future if any expansion or relocation of the baler facility or operation were to occur.

1.3 Existing Conditions

1.3.1 Project Location

The temporary baler facility is in the larger Toledo Transfer and Recycling Center property, located at 5441 West Highway 20, Toledo, Oregon, 97391. The facility is located in the city limits of Toledo, Tax Lot 600, Section 7, Township 11S, Range 10W of the Willamette Meridian. The site is 13.82 acres in size.

1.3.2 Zoning and Other Designations

The site is zoned light industrial by the City of Toledo.

1.3.3 Existing Land Uses and Structures

The property is currently used as a solid waste and recycling transfer facility that is best characterized as industrial use. The Toledo Transfer and Recycling Center is comprised of four primary structures: an office with scales, a recycling center, a shop, and a transfer building. The baler facility was constructed in the northeast corner of the site directly uphill of the primary solid waste and recycling transfer facility.

1.3.4 Adjacent Land Uses

Land to the north, west, and south of the site lies in Lincoln County jurisdiction, and adjacent land uses include undeveloped forest land to the north, and low-density residential to the west and south. Land to the east of the site lies in City of Toledo limits and is used as light industrial by Pacific Pride Card Lock and Henarie Trucking.

2.0 Request

Based on the information in this memorandum and all accompanying documentation, the applicant respectfully requests the approval of a Conditional Use Permit for continued operation of the temporary baler facility.

3.0 Regulatory Compliance

Pertinent Toledo Municipal Code (TMC) standards and provisions for operation of a conditional use in city jurisdiction have been bolded for easy reference. The applicant's response follows below. If a requirement of the TMC is not applicable to the proposed use or does not require a response, that section of text has been omitted and is not addressed in this document.

3.1 TMC Chapter 17.64—Conditional Use Permits

3.1.1 TMC 17.64.030—Application Submission Requirements for Conditional Use Permits

A property owner or the owner's authorized agent may initiate a request for a conditional use by filing a completed application with the city manager along with the appropriate fee as set by city council resolution. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed use. The planning commission or city manager may require other drawings or material necessary to an understanding of the proposed use and its relationship to surrounding properties as part of a complete application.

A completed land use application, fee, and site plan has been submitted to the City of Toledo. This memorandum provides supplemental information to the land use application and serves as a demonstration of consistency with pertinent Conditional Use Permit criteria.

Please note: the submitted site plan (please refer to the attached Figure) is for *informational purposes only*. The baler facility has already been constructed and is in use; the requested Conditional Use Permit application is for the continued use of the facility, not a request to authorize development.

3.1.2 TMC 17.64.050—Standards Governing Conditional Uses

In addition to the standards of the zone in which the conditional use is located and the other standards of this chapter, conditional uses shall meet the following standards:

- A. In addition to other applicable standards of this section, all conditional uses shall comply with the following requirements:**
 - 1. The site under consideration is suitable for the proposed use considering:**

a. The size, design and operating characteristics of the use.

The approximately 13.82 acre site has been in use as a solid waste and recycling transfer facility since 1992. Continued use of the baler facility for research and development purposes would be operationally consistent with the existing land use on the site. The baler facility has already been designed and constructed. The facility is located directly northeast and uphill of the primary transfer facility. The distance between these operations allows for truck queuing internally at the site and provides an adequate operational area for the two facilities to operate in harmony. The facility was designed with the minimum footprint necessary to meet operational needs, and these improvements were constructed in a portion of the site that had been previously disturbed, thereby avoiding impacts to sensitive natural resources.

b. The adequacy of transportation access to the site.

Highway 20 provides access to the site and the existing driveway serves both trucks using the baler facility and the primary solid waste and recycling transfer facility. As demonstrated by years of use by Dahl Disposal Services, the existing access to the site is adequate for this type of use. There have been no access or transportation issues reported since the baler facility began testing the installed equipment on March 8th, 2021.

c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and other features.

As stated above, the baler facility was constructed in a part of the site that was already disturbed and avoided impacting sensitive natural resources. The facility is located directly uphill of the primary solid waste and recycling transfer facility in a naturally occurring U-shaped bowl. The topography of this feature screens the baler facility from adjacent properties.

Note that continued operation of the baler facility will have no measurable effect on natural or physical features present on the site given that the facility has already been constructed and no expansions are proposed.

2. The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in paragraph (1) of this subsection.

“A use is designated as a conditional use within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property.”

The facility is considered a conditional use given the light industrial zoning designation of the site. Solid waste and recycling transfer facilities (similar use type) are typically characterized as industrial uses (rather than light industrial). Therefore, establishment of this type of use warranted additional scrutiny regarding siting and operational impacts.

Site improvements were recently completed to accommodate the baler facility. These improvements included grading, slope stabilization, construction of retaining wall, lined stormwater conveyance ditches, sanitary sewer conveyance piping and temporary sewer holding tank system, as well as extension of a temporary water service from the existing production well on site. The vehicle operation area in front of the facility and the graded access ramp were paved for sediment and dust control.

The continued use of the baler facility would not introduce new impacts to surrounding land uses and properties. This is because the baler facility does not constitute a new use, rather, it serves as a limited expansion of the existing solid waste and recycling transfer facility. While the intensity of the use may marginally increase due to expansion of operations at the site, no additional offsite impacts are anticipated given the unique characteristics of the site and nature of the baler facility's operation.

The site itself is bordered by Highway 20 to the east and forest land to the north. These are not sensitive uses or environments that would be affected by operation of the baler facility. There are single-family homes to the east and west; however, these are located at least 600 feet away and screened from the site by topography and heavy vegetation. Operationally, impacts from the baler facility would be consistent with, or less than, the primary solid waste and recycling transfer facility on the site. Cumulatively, noise, traffic, odor, visual, vibration, light or glare, and land use impacts would remain within the tolerance expected and accepted by the existing solid waste and recycling transfer facility operation.

B. In addition to other standards of the zone in which the conditional use is located, certain uses shall comply with the following additional standards:

3. Waste transfer, recycling facility, or scrap metal facility.

- a. Facilities must be fenced and shall be secured from unauthorized entry and the removal of materials when attendants are not present.**

Access to the site is provide by Highway 20, and the existing driveway entrance is gated to prevent unauthorized entry when the facility is closed. While the baler facility is not fenced, the steep topography and remote location of the facility effectively precludes unauthorized entry, which substantially complies with this requirement.

- b. Facilities and storage shall be located no closer than thirty (30) feet from any property line.**

The smallest setback between the baler facility and a property line (front yard) is approximately 80 feet.

- c. Hours of operation shall be established, and the facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.**

Although the baler facility is not open for public use, its hours of operation are consistent with the primary solid waste and recycling transfer station (8:30 a.m. to 4:30 p.m.) at the site. The baler facility would remain in operation seven days a week.

- d. The site shall be maintained free of litter, odors, pests, and any other undesirable material, and shall be cleaned of loose debris on a daily basis.**

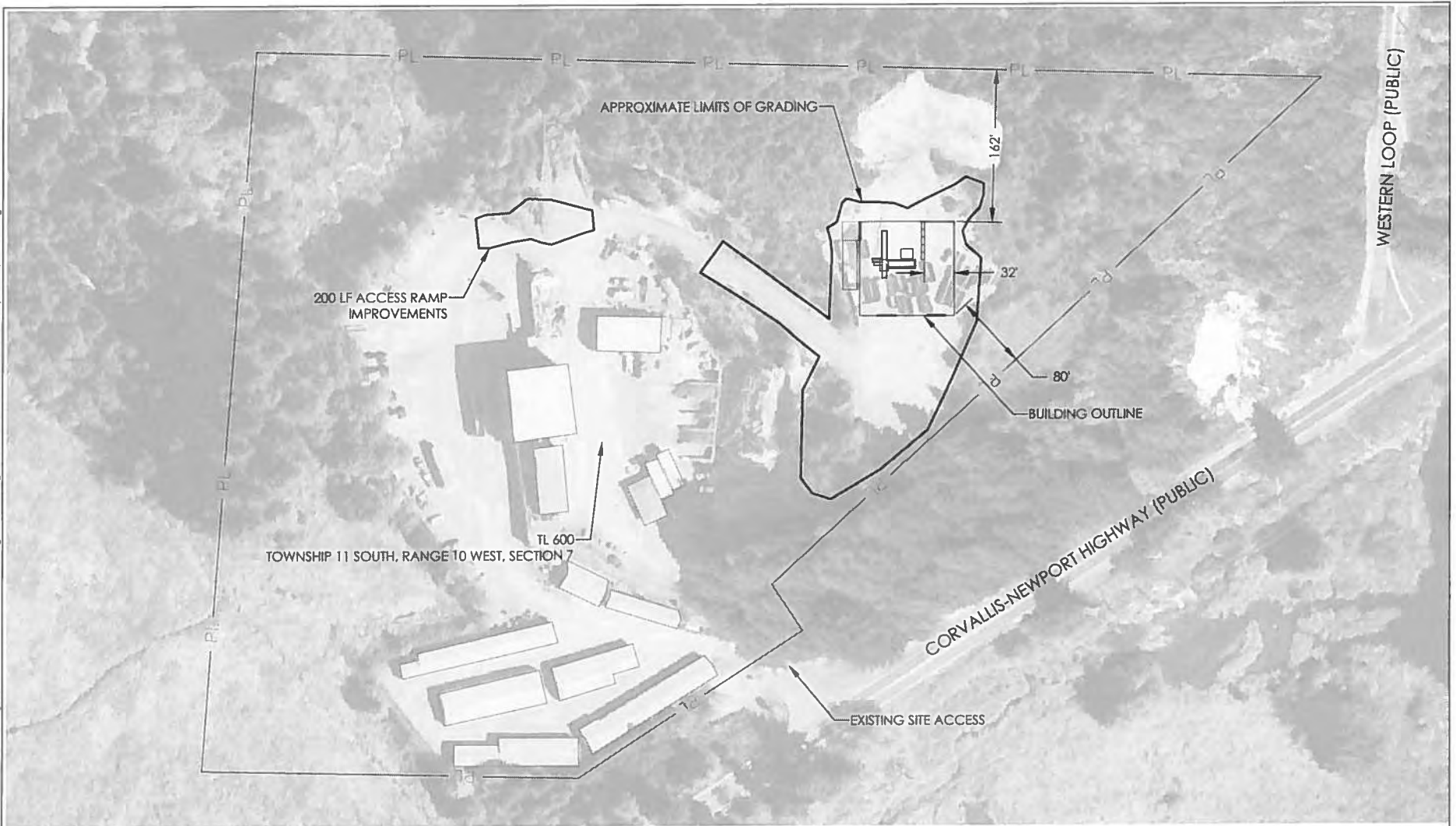
As coordinated with the Oregon Department of Environmental Quality, operation of the baler facility is covered under the primary solid waste and recycling transfer station operational permit or site designation; an update to the site's Operations Plan is currently underway. A component of the plan is to establish best management practices for facility operation. This includes, but is not limited to, specific measures and good practices to contain all recyclables and waste on-site, reduce odor, prevent pests or vectors, and maintain a general level of cleanliness. As the baler facility will be included in the amended Operations Plan, all Oregon Department of Environmental Quality-approved operational best management practices would apply.

- e. Space shall be provided on the site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials.**
- f. Containers provided for after-hours donations of recyclable materials shall be at least fifty (50) feet from any property zoned general residential or single-family residential, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or the removal of materials.**
- g. Donation areas shall be kept free of litter, odors, pests, and any other undesirable material. The containers shall be clearly marked to identify the type of material, which may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.**

The baler facility would not be open to public use; therefore, these provisions do not apply.

4.0 Conclusion

As demonstrated in this memorandum and the other materials that together comprise the application package, the proposed continued use of the baler facility is compliant with applicable Conditional Use Permit criteria and provisions of Toledo's codified municipal code. Dahl & Dahl, Inc. respectfully requests approval of the requested Conditional Use Permit.



MAUL FOSTER ALONGI
971.544.2139 [phone] | www.maulfooster.com

This figure prepared as supplemental visual information only and should not be used for construction purposes. Only plan sheets approved, stamped and signed by a registered professional engineer in the state of governing jurisdiction shall be used for construction. Additionally, only plans approved by the applicable governing jurisdiction shall be used for final construction unless otherwise indicated in writing by the engineer of record.



NOTE: BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE ACCORDINGLY



**Figure
Site Plan**
Dahl & Dahl Baiting Facility
Toledo, Oregon

LCT 203371-3
11-10-7-600

After Recording Return To:
Dahl and Dahl, Inc.
P. O. Box 357

Toledo, Oregon 97391

SEND TAX STATEMENTS TO:
Same as above.

BOOK 256 PAGE 2289

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That **MORSE BROS., INC., an Oregon corporation, successor in interest to Toledo Transit Mtx, Inc., an Oregon corporation by merger December 31, 1956**, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by **DAHL AND DAHL, INC., an Oregon corporation**, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Lincoln and State of Oregon, described as follows, to-wit:

The following portion of U.S. Government Lot 8, Section 7, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, to-wit:

Commencing at the Northwest corner of Section 7, Township 11 South, Range 10 West, Willamette Meridian, Lincoln County, Oregon; thence North 89 deg. 14' 58" East as called for in County Survey No. 5729, 2883.43 feet to the North quarter corner between Section 6 and 7; thence South, 1797.75 feet to a point; thence West, 108.34 feet to a 1/2 inch iron rod, which is the true point of beginning; thence South 89 deg. 01' 04" West, 1243.95 feet to a 3/4 inch iron pipe; thence South 1 deg. 47' 10" West, 310.52 feet to a 1/2 inch iron rod; thence continuing South 1 deg. 47' 10" West to the South boundary of the U.S. Government Lot 8; thence Easterly along said South boundary to the centerline of the Corvallis-Newport Highway; thence along said highway centerline to the East boundary of U.S. Government Lot 8; thence Northerly along said East boundary 200 feet, more or less; thence at a right angle to the said boundary and Westerly to the true point of beginning.

SUBJECT TO:

1. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
2. 1992-93 Lincoln County, Oregon real property taxes and all subsequent taxes.
3. Limited access in deed to State of Oregon, by and through its Department of Transportation, Highway Department which provides that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property;
Recorded: August 30, 1952 Book: 154 Page: 41
Amended by instrument,
Recorded: March 22, 1960 Book: 207 Page: 58
4. An easement created by instrument, including the terms and provisions thereof,
Dated: September 13, 1961
Recorded: March 25, 1964 Book: 243 Page: 201
In Favor of: Central Lincoln People's Utility District
For: electric power lines
5. Reservation of 51% interest in minerals, including the terms and provisions thereof as disclosed by instrument,
Recorded: October 3, 1974 Book: 52 Page: 818
6. An easement created by instrument, including the terms and provisions thereof,
Dated: September 30, 1974
Recorded: October 3, 1974 Book: 52 Page: 818
In Favor of: adjacent property
For: easement over old existing road

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in the fee simple of the above granted premises, free from all encumbrances except as set forth above, and that grantor will warrant and forever defend the said premises and every part and parcel thereof

against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$110,000.00**.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 29th day of JANUARY, 1993; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

MORSE BROS., INC., an Oregon corporation, successor in interest to Toledo Transit Mix, Inc., an Oregon corporation by merger December 31, 1986.

By: J. Franklin Morse

J. Franklin Morse, President

STATE OF OREGON)

) ss.

COUNTY OF LINN)

Date: 1/29/93

This instrument was acknowledged before me on January 29, 1993, by J. Franklin Morse, as President of MORSE BROS., INC., and Oregon corporation, successor in interest to Toledo Transit Mix, Inc., an Oregon corporation by merger December 31, 1986.

Before me:

Nancy O'Kain

Notary Public for Oregon

My Commission Expires: 2/4/94

Morse Bros., Inc.

P. O. Box 7

Lebanon, Oregon 97355

Grantor's Name and Address

Dahl and Dahl, Inc.

P. O. Box 357

Toledo, Oregon 97391

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHOULD BE SENT TO:

Dahl and Dahl, Inc.

P. O. Box 357

Toledo, OR 97391

LINCOLN COUNTY ASSESSOR'S TAX ACCOUNT NOS.:

R159626 and R433596

STATE OF OREGON } ss.
County of Lincoln

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon.

Book 256 Page 2290

WITNESS my hand and seal of said office affixed.

DANA W. JENKINS, County Clerk
By [Signature] Deputy

Doc : 6091957

Rect : 35752

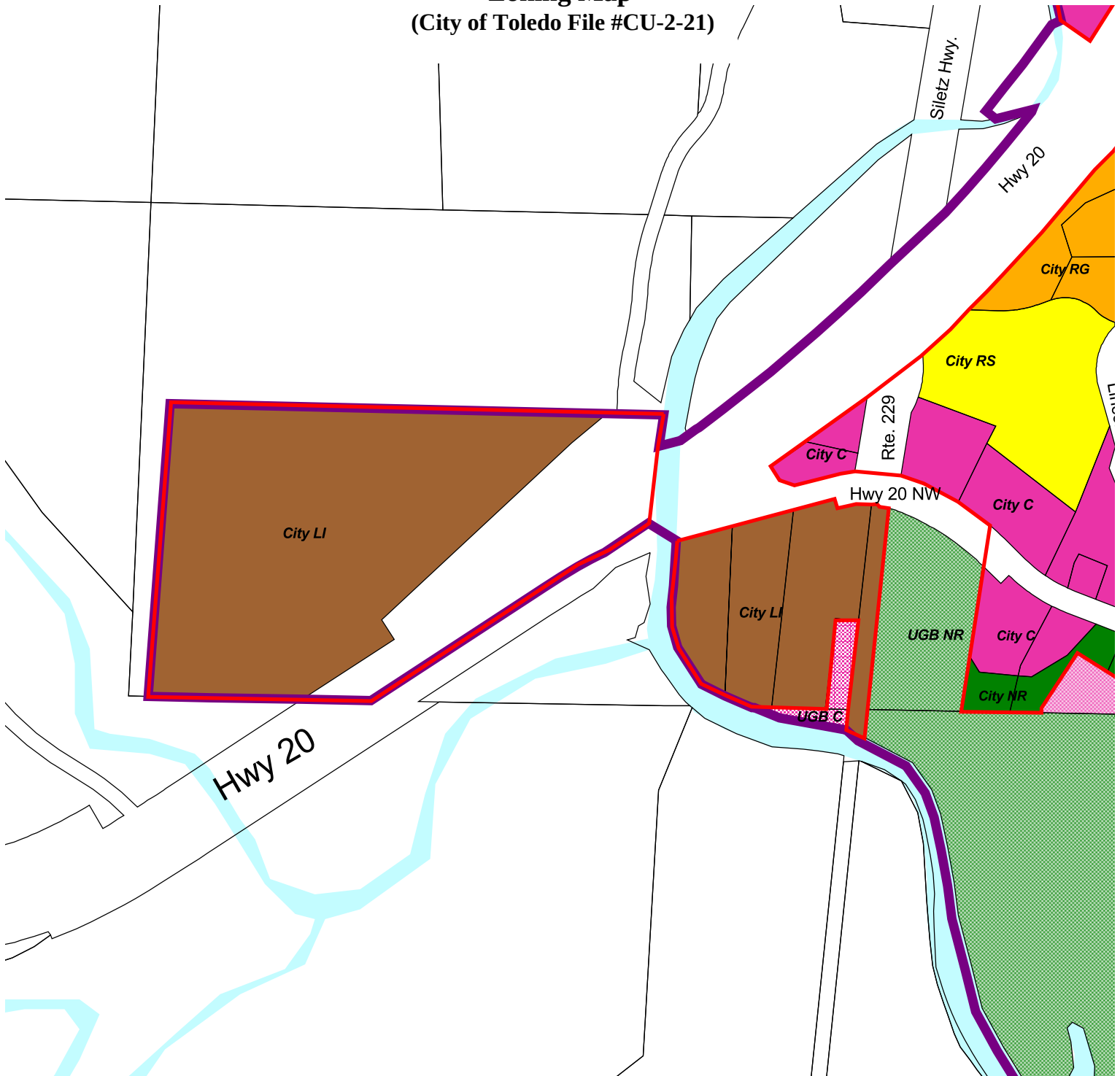
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ATTACHMENT B

Zoning Map

(City of Toledo File #CU-2-21)

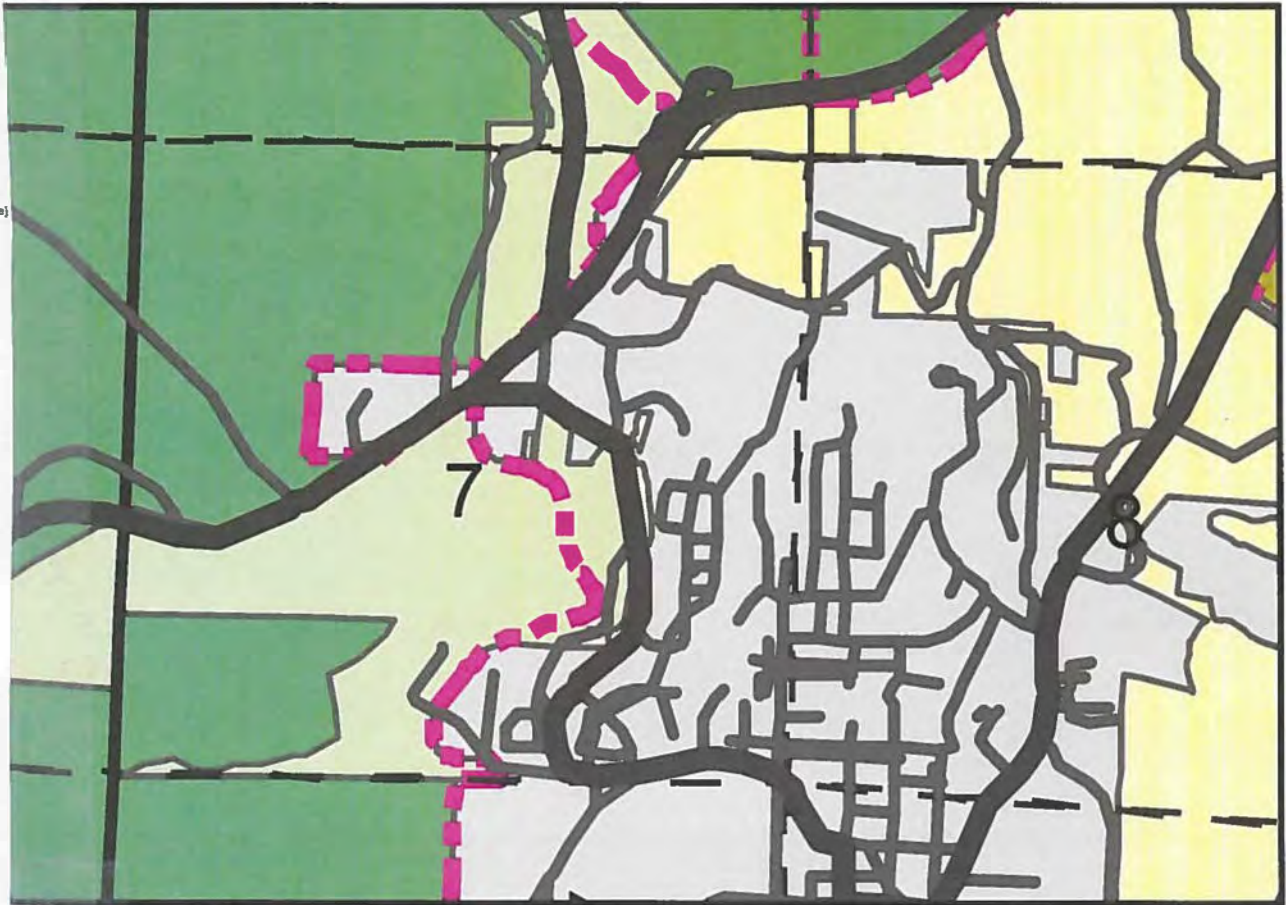


- City Limits
- UGB
- Parcels
- Railroad
- Comprehensive Plan**
- Commercial
- Industrial
- Light Industrial
- Natural Resources
- Public Lands
- Residential General
- Residential Single
- Water Dependent
- Outside UGB
- UGB Commercial
- UGB Industrial
- UGB Low Density Residential
- UGB Medium Density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



Lincoln County Zoning

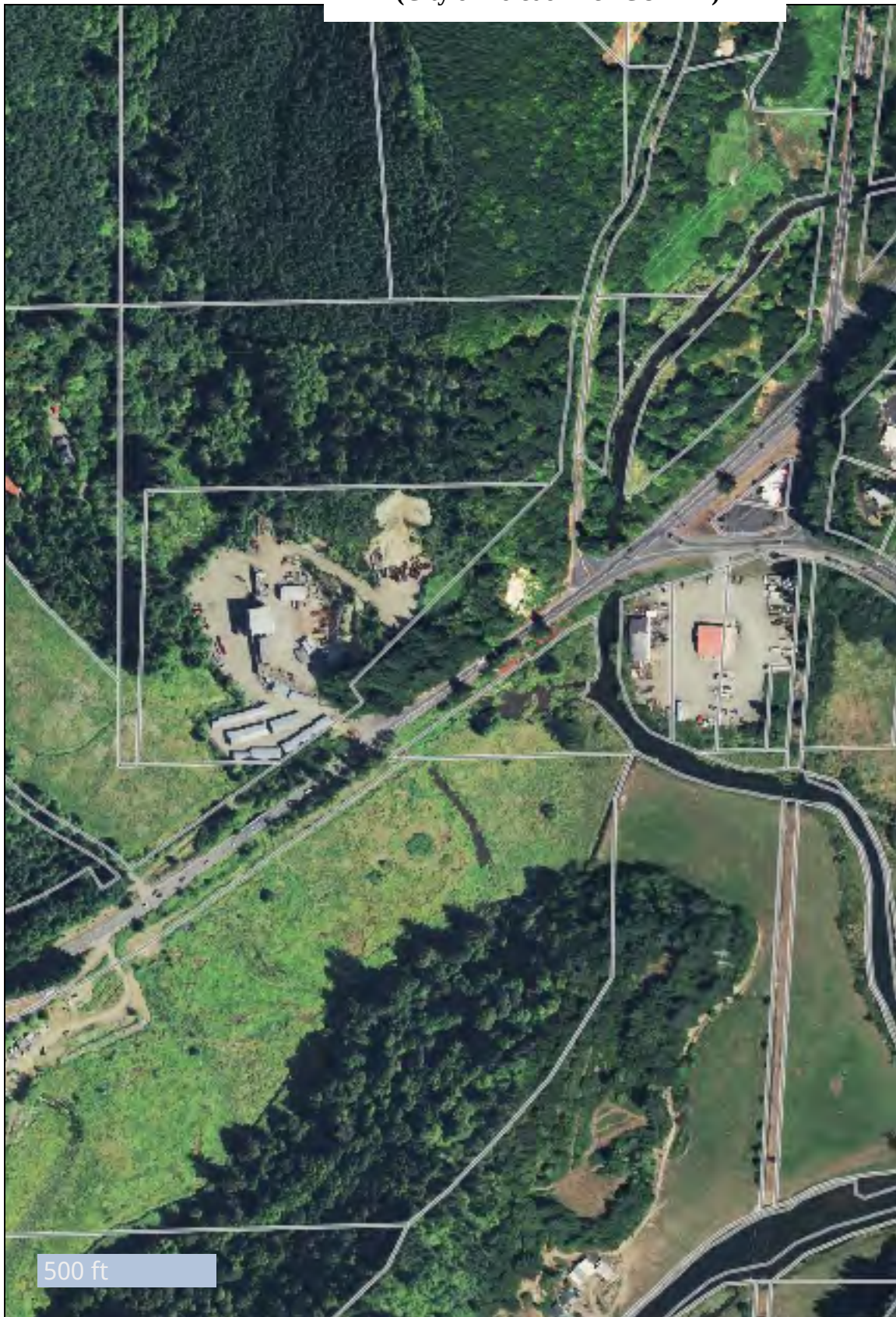
Zones



ATTACHMENT C

Aerial Map

(City of Toledo File #CU-2-21)



Legend

∨ Taxlots

Printed on 5 / 6 / 2021

Lincoln County Government Use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.

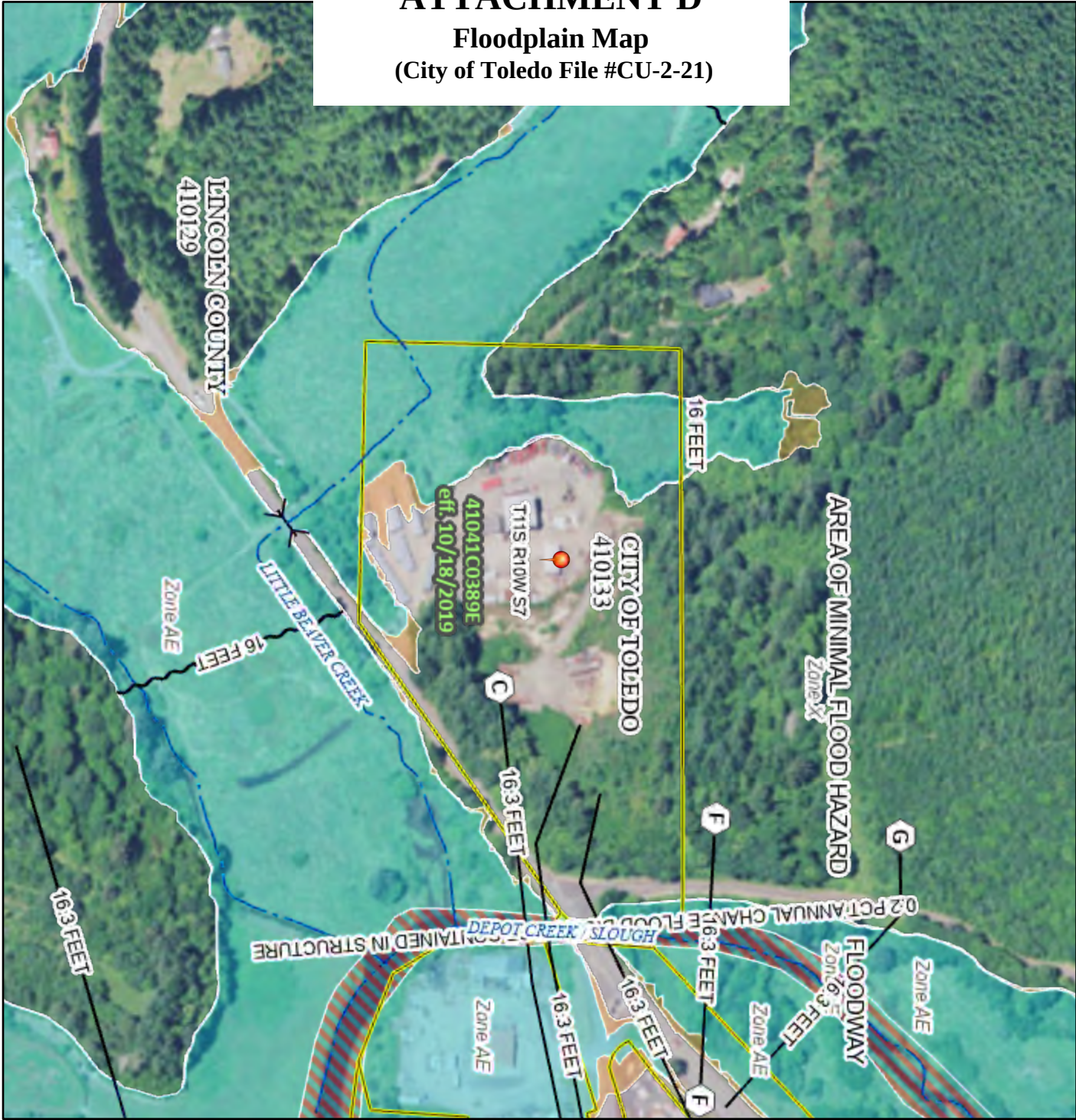


National Flood Hazard Layer FIRMette



123°57'30"W 44°38'8"N

ATTACHMENT D Floodplain Map (City of Toledo File #CU-2-21)



Legend

SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/6/2021 at 6:42 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and undetermined areas cannot be used for regulatory purposes.

ATTACHMENT E

Temporary Approval Documents

(City of Toledo File #CU-2-21)

REQUEST FOR COUNCIL ACTION

	Meeting Date:	Agenda Topic:
	Date May 5, 2021	Request for a six month renewal of the temporary structure for R & D purposes for Dahl Disposal (5441 West Hwy 20)
Council Goal:	Agenda Type:	
Maintain and enhance characteristics that assure Toledo is a good place to be.	Decision Items	
Prepared by:	Reviewed by:	Approved by:
Justin Peterson, Planner	City Manager Judy Richter	City Manager Judy Richter

RECOMMENDATION:

Motion to approve the temporary structure extension for Dahl Disposal to house the baler/wrapper equipment in conjunction with the Georgia-Pacific Juno project until August 28, 2021.

BACKGROUND:

In 2020, the City of Toledo received a Land Use Compatibility Statement (LUCS) at the Dahl Disposal Site at 5441 West Hwy 20. Initial evaluation by the Planning Department recommended that Dahl apply for a Conditional Use permit for the project. This project is in cooperation with Georgia Pacific's Juno project and as such is experimental. The necessary equipment will actually be housed in a tent until a determination can be made of the viability of the project. City Attorney (CA) Robinson reviewed the Toledo Municipal Code as did City Planner Peterson. Both concluded that this scenario does not exactly meet the Code requirements because of the temporary nature of the operation. CA Robinson suggested that the issue be brought before the City Council under the premise that Dahl is doing R & D work. On November 4, 2020 the City Council approved the temporary R & D for Dahl Disposal for six months. During the temporary six month approval Dahl could apply for the Conditional Use Permit for further operations. The temporary tent was constructed in March 2021.

The six month temporary approval for R & D will expire on May 4, 2021. The applicant submitted an application for a conditional use on April 7, 2021. The conditional use application will be reviewed by the Toledo Planning Commission on May 12, 2021. The conditional use application will not be approved prior to the temporary R & D expiring, therefore, staff requested that the applicant submit a request to renew the temporary R & D.

Based on Oregon Fire Code Section 3103.5, temporary tent structures are limited to 180 days. The tent structure was in place on, or around, March 1, 2021. Due to the fire code restriction, the City Council can consider an extension to the temporary use until August 28, 2021.

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	2020-2021	N/A

ATTACHMENTS:

1. November 4, 2020 Council Packet Materials (Request for council action, Dahl Letter, Site Plan)
2. Dahl Renewal Request Letter (dated April 22, 2021)

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	November 4, 2020	Request for approval of temporary structure for R & D purposes for Dahl Disposal
Council Goal:	Agenda Type:	
Promote sustainability through environmentally friendly solutions to community challenges.	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to approve the temporary structure for Dahl Disposal to house the baler/wrapper equipment in conjunction with the Georgia-Pacific Juno project.

Background:

The City of Toledo received a Land Use Compatibility Statement (LUCS) at the Dahl Disposal Site at 5441 West Hwy 20. Initial evaluation by the Planning Department recommended that Dahl apply for a Conditional Use permit for the project. This project is in cooperation with Georgia Pacific's Juno project and as such is experimental. The necessary equipment will actually be housed in a tent until a determination can be made of the viability of the project.

City Attorney (CA) Robinson reviewed the Toledo Municipal Code as did City Planner Peterson. Both concluded that this scenario does not exactly meet the Code requirements because of the temporary nature of the operation.

CA Robinson suggested that the issue be brought before the City Council under the premise that Dahl is doing R & D work. The Council can decide to allow this work for six months as temporary. During that time Dahl can apply for the Conditional Use Permit for further operations.

Fiscal Impact:	Fiscal Year:	GL Number:
unknown	2020-2021	N/A

Attachment:

1. Letter from Chuck Lerwick, Dahl Disposal
2. Dahl Disposal Site Plan
3. Dahl Disposal Baler Facility LUCS



East County Transfer Center
5441 W. Hwy 20
PO Box 357

Toledo, OR 97391
Office: 541.336.2932
Fax: 541.336.4817

South County Transfer Center
235 SW Dahl Ave.
PO Box 1059

Waldport, OR 97394
Phone: 541.563.3888
Fax: 541.563.7373

Judy M. Richter, City Manager
City of Toledo

As we discussed yesterday at our meeting with yourself, Justin the City planner and me about the conditional use of our property for the Baler wrapper project for GP Juno. What we are proposing is to place a baler wrapper unit on our upper property for the receiving, baling and wrapping of GP's OCC rejects to prepare for delivery to the new Juno project. In time this may also include commercial waste for baling and wrapping to feed the Juno plant. We are on a hard deadline of February 5th for this unit to be up and running. To do this we need to be able to start dirt work ASAP before the rains hit us this fall and coordinate with our concrete contractor to pour the slab required for placement of baler unit. We are doing this on a temporary basis with the Juno team because this is truly an R&D project and we want to stay at the bare minimum expense until it is proven to be successful. I have reached out to DEQ to inquire about any permitting process that we may need with them and Brian Fuller DEQ said that we do not need a special permit because our tax lot is permitted to do this kind of activity. The only requirement from DEQ is to update our operations plan to include this new activity. So what we are planning is to pour a cement slab 100X100 with a tent the same dimension to keep water off the material and mitigate any contamination from leaving the slab area. There will be no major construction other than ground work at this time. In the future when the system has proven itself to be a long term option then we would consider erecting a building that I would agree would need to come before the Planning Commission. Thank you for your cooperation in this endeavor.

Chuck Lerwick
Chuck Lerwick
Operations Manager
Dahl Companies

PLOTTED ON: 2020-10-16 3:41 PM
 PLOTTED BY: Cam Galarza
 FILENAME: C:\00_MFA\CH\3D\00_PROJECT\07\66\03\01_Draft Toledo Bala Facility Plans\C2.0 SITE PLAN.dwg





MAUL FOSTER ALONGI
3140 NE BROADWAY STREET
PORTLAND, OR 97232
PHONE: 971.544.2139
www.maulfooster.com

BALING AND RECYCLING FACILITY
DAHL DISPOSAL SERVICES
TOLEDO, OREGON

ISSUE	DATE	DESCRIPTION
A	10/15/2020	PRELIMINARY SITE PLAN

PROJECT: 0766.03.01

DESIGNED: N. ALONGI

DRAWN: A. AGUIRRE

CHECKED: C. GOKCORA

SCALE

040'80'

NOTE: BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE ACCORDINGLY.

SHEET TITLE

SITE PLAN

SHEET

C2.0



Land Use Compatibility Statement

What is a Land Use Compatibility Statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

How to complete a LUCS:

Step	Who does it?	What happens?
1.	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2.	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3.	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

Cultural resources protection laws:

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

Land Use Compatibility Statement

Section 1 – To be completed by the applicant

1A. Applicant Name:

Contact Name:

Mailing Address:

City, State, Zip:

Telephone:

Tax Account #:

1B. Project Name:

Physical Address:

City, State, Zip:

Tax Lot #:

Township: Range: Section:

Latitude:

Longitude:

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

- | | |
|---|--|
| ☐ Air Quality Notice of Construction | ☐ Clean Water State Revolving Fund Loan Request |
| ☐ Air Contaminant Discharge Permit | ☐ Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land) |
| ☐ Air Quality Title V Permit | ☐ Water Quality NPDES Individual Permit |
| ☐ Air Quality Indirect Source Permit | ☐ Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ Onsite LUCS form) |
| ☐ Parking/Traffic Circulation Plan | ☐ Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z) |
| ☐ Solid Waste Land Disposal Site Permit | ☐ Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile) |
| ☐ Solid Waste Treatment Facility Permit | ☐ Water Quality 401 Certification for federal permit or license |
| ☐ Solid Waste Composting Facility Permit (includes Anaerobic Digester) | |
| ☐ Conversion Technology Facility Permit | |
| ☐ Solid Waste Letter Authorization Permit | |
| ☐ Solid Waste Material Recovery Facility Permit | |
| ☐ Solid Waste Energy Recovery Facility Permit | |
| ☐ Solid Waste Transfer Station Permit | |
| ☐ Waste Tire Storage Site Permit | |
| ☐ Pollution Control Bond Request | |
| ☐ Hazardous Waste Treatment, Storage or Disposal Permit | |

This application is for: ☐ Permit Renewal ☐ New Permit ☐ Permit Modification ☐ Other:

Section 2 – To be completed by city or county planning official

Applicant name:	Project name:
Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.	
2A. The project proposal is located: ☐ Inside city limits ☐ Inside UGB ☐ Outside UGB	
2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use):	
2C. ☐ This project is not within the jurisdiction of any other land use, zoning, or planning entity ☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity _____	
2D. Is the activity allowed under Measure 49 (2007)? ☐ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:	
☐ Express; approved by DLCD order #:	
☐ Conditional; approved by DLCD order #:	
☐ Vested; approved by local government decision or court judgment docket or order #:	
2E. Is the activity a composting facility? ☐ No ☐ Yes; Senate Bill 462 (2013) notification requirements have been met.	
2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031? Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.	
☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:	
☐ Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):	
☐ Yes, the activity or use is allowed outright by (provide reference for local ordinance):	
☐ Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.	
☐ Yes, the activity or use is allowed; findings are attached.	
☐ No, see 2D. above, activity or use allowed under Measure 49; findings are attached.	
☐ No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined): Relevant specific plan policies, criteria, or standards:	
Provide the reasons for the decision:	
Additional comments (attach additional information as needed):	
Planning Official Signature:	Title:
Print Name:	Telephone #: Date:
If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:	
Planning Official Signature:	Title:
Print Name:	Telephone #: Date:

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



MEMORANDUM

To: City of Toledo, Planning Department

Date: April 22, 2021

From: Chuck Lerwick, Dahl and Dahl, Inc.

Ryan Crotty and Cem Gokcora, Maul Foster & Alongi, Inc.

RE: Dahl and Dahl, Inc.—Temporary Use Permit Renewal Request for Baler Facility

This memorandum is a request for an extension to the temporary use permit issued by the City of Toledo (the City) in November 2020. Dahl and Dahl, Inc. received City Council approval to temporarily construct and operate a baler facility at site address 5441 West Highway 20, Toledo, Oregon, 97391 (at the existing solid waste and recycling transfer facility site). The baler facility was characterized as a Research and Development program; the intent for this program was to determine long-term efficacy of the facility and the associated operation. Material received by the baler facility would be wrapped and transported to the Georgia-Pacific's Juno Plant for processing. As a condition of the temporary use permit, once the facility and operation were determined effective, Dahl and Dahl, Inc. were directed to apply for a Conditional Use Permit to authorize the facility's long-term operation.

Per the City's request that Dahl and Dahl, Inc. acquire a Conditional Use Permit, an application was submitted to the City on April 7, 2021. However, although the Conditional Use Permit application was submitted, the temporary use permit is set to expire (May 4, 2021) prior to the Conditional Use Permit's approval. A decision regarding approval of the Conditional Use Permit will be made by Planning Commission on May 12, eight days after the temporary use permit expires. To avoid lapse of coverage of the use, Dahl and Dahl, Inc. is respectfully requesting an extension to the temporary use permit so that a decision can be made regarding the Conditional Use Permit application while the facility continues to operate.

**TOLEDO PLANNING COMMISSION
STAFF REPORT**

PROPERTY: Lincoln County Assessor's Map # 11-10-17 A Tax Lots 800 and 1100

APPLICATION #: AX-2-21/RZ-1-21

APPLICANT: Kelly and Lorraine Foley

APPLICATION DATE: March 23, 2021

HEARING DATES: Planning Commission: May 12, 2021
City Council: June 2, 2021

REQUEST: The proposal is for a zoning map amendment from Lincoln County R-1 to the City of Toledo Single-Family Residential (R-S) zone, concurrent with annexation. The subject property is contiguous with City Limits and located within the Urban Growth Boundary (UGB). See Staff Report Attachment 'A' (Application)

LOCATION: 150 SE Sturdevant Road, north of Chedester Road

LOT SIZE: 6.7 acres

STAFF REPORT:

I. REPORT OF FACTS:

1. Plan Designation: Current - UGB Low Density Residential
Proposed – City Low Density Residential
2. Proposed Zone Designation: Current – County R-1
Proposed - City Single-Family Residential (R-S)
3. Existing Structures: Tax Lot 800 has an existing single-family home and accessory structures. Tax Lot 1100 is vacant.
4. Topography: The property slopes downhill on the eastern edge of Tax Lot 1100. The slopes on Tax Lot 800 slope uphill to the east.
5. Development Constraints: The slopes on the subject property may limit development potential. The subject property is adjacent to a wetland identified on the Statewide Wetlands Inventory.
6. City water: City water is available at SE Sturdevant Road.
8. City sewer: City sewer is currently not available adjacent to the site.
9. Development Standards: The R-S development Standards are listed in TMC 17.08.
10. Notice of Public Hearing: Notices mailed to 19 property owners and 19 public/service agencies on April 22, 2021. Notice was provided to the Oregon Department of Land Conservation and Development

(DLCD) on March 24, 2021, at least 35 days before the first evidentiary hearing in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and at least 45 days before the first evidentiary hearing in accordance with TMC 19.20.040(B)(4).

11. Notice Published:

April 28, 2021 and May 5, 2021

12. Comments Received:

Public Works Director, Fire Chief, and Chief of Police all approve the application. Any future development of the property must receive review from the City. Jean Dahlquist emailed the City about the application.

13. Staff Report Attachments:

- A. Application
- B. Consent to Annex
- C. Site Plan Map
- D. Comprehensive Plan Map
- E. Draft Ordinance
- F. Wetland Land Use Notification (WLUN)

II. CRITERIA FOR DECISION: PLANS, POLICIES AND ORDINANCES FOR EVALUATING THE ANNEXATION AND REZONE REQUEST:

A. ANNEXATION REQUEST:

1. Oregon Revised Statute (ORS) 222.111 Authority and procedure for annexation, generally.
 - (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.
 - (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.
 - (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city provides on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

- (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465 [domestic water supply district, water control district, or sanitary district], the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

Note: Sections (3) and (4) are permissive criteria and do not need to be fulfilled in order for the proposal for annexation to be adopted.

2. ORS 222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation.

The legislative body of the city need not to call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

3. Toledo Municipal Code (TMC) 17.04.050 (D) [Designation of annexed property].

Territory annexed to the city shall be given a zone designation in compliance with the Comprehensive Land Use Plan designation of the property. Such change may be entirely or partially carried out as part of the annexation proceedings. The zone designation under the zoning ordinance of Lincoln County shall apply until changed by the city. If the City Council finds it is important to the protection or implementation of city policies, with notice and opportunity to be heard, interim regulations may be applied in the annexed area until more permanent action can be taken.

4. Consistency with the 2000 Toledo Comprehensive Land Use Plan.

B. REZONE REQUEST

1. The 2000 Toledo Comprehensive Land Use Plan-Article 2, Objective 8 (Page 19). Any change must be consistent with the Oregon Statewide Planning Goals and guidelines and other applicable criteria. In addition, the applicant must show circumstances have changed, that there is a public need for the amendment, and that the need cannot reasonably be met by any other method.
2. Toledo Municipal Code 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 all of 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 prerequisite for approval;
- B. Demonstration of compliance with applicable standards and criteria of this code and other applicable implementing ordinances;
- C. Evidence of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use maps regarding the property which is subject of the application.

3. The 2000 Toledo Comprehensive Land Use Plan

Article 1 Citizen Involvement:

Goal 1: Provide a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process so as to provide useful guidance to and an understanding of the overall planning process.

Article 10: Housing:

Goal 1: Encourage development of a mixture of housing stock in terms of design, type, cost, and location that meets the housing needs of all Toledo citizens.

Article 11: Public Facilities and Services:

Goal 1: Provide reliable, high quality, efficient, and cost effective public facilities and services for the residents of Toledo.

Goal 2: Plan, develop and maintain an orderly and efficient arrangements of public, urban-level facilities and services to serve as a framework for urban development within the City of Toledo and the Urban Growth Boundary.

Article 12: Transportation:

Goal 1: Provide a safe and efficient, multi-model transportation system which provides linkages in a manner that enhances Toledo's neighborhoods, environment, economy, and social and scenic values.

Goal 2: Minimize the adverse social, economic, and environmental impact costs of constructing, maintaining, and using transportation facilities and services.

Article 14: Urbanization and Livability

Goal 1: Build Toledo as a small, cost-effective, attractive, livable, and sustainable city by encouraging efficient land use patterns.

Goal 2: Design and encourage land use patterns that:

- a. Are compact.
- b. Mix land uses to reduce transportation costs and create vitality.
- c. Retain Toledo's detailed and human scale design features.
- d. Can be effectively serviced.
- e. Protect the environment.
- f. Provide a proper balance between jobs and housing.

Goal 3: Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with the Comprehensive Plan goals and policies and Toledo's Municipal Code and standards.

III PROPOSED FACTS AND FINDINGS:

The applicant is requesting approval of an annexation and zone change. Based upon the information received by City staff through May 5, 2021, the annexation and zone change request appears to conform with relevant provisions of the City's plans and ordinances as described below. The following recommended findings support approval of the annexation and zone change:

1. The requirements of ORS 222.111 (1) and (2) and ORS 222.125 have been complied with as the property to annex is contiguous to the city limits, is located within the UGB, and the request to annex has been initiated by written petition of all of the property owners.
2. The proposed annexation and rezone request meets the requirements for a plan amendment set forth in the 2000 Toledo Comprehensive Land Use Plan. A public need for the rezone exists as the 2000 Toledo Comprehensive Land Use Plan in Article 14, Goal #2 and Objectives #1, #2, and #5 have identified as a goal of the community to urbanize sensibly.
3. The applicants understand that the city's eventual intent in the area is to extend all services and require connection by all of the parcels within the UGB. The City's intent includes this parcel.
4. The requirements of Toledo Municipal Code Section 17.80.050 (Quasi-judicial map amendment) are met for the following reasons:
 - A. Criteria A is satisfied as the applicant has requested a rezone consistent with the comprehensive plan map with the annexation.
 - B. Criteria B is satisfied as TMC Section 17.04.050 (D) will be complied with as the applicant has requested a change in the 2000 Toledo Comprehensive Land Use Plan map by annexation only. The designation of the property by plan is Low-Density Residential. Zoning will be done in conjunction with the annexation and therefore the new zone designation will be in compliance with the Comprehensive Land Use Plan designation.
 - C. Criteria C is satisfied as a change in the community exists with the annexation and possible urbanization/development of a rural parcel. The City of Toledo is in need of housing. The proposed zone allows a single-family residential home as an outright permitted use.
5. Kelly and Lorraine Foley, as the owner of the property located at Lincoln County Assessor's Map # 11-10-17 A Tax Lots 800 and 1100 on March 23, 2021, submitted a request to annex 6.7 acres of property into City limits of Toledo. See Staff Report Attachment 'B' (Consent to Annex). The

property owners have also requested a rezone to City Single-Family Residential (R-S) Zone consistent with the Comprehensive Plan. See Staff Report Attachment 'A' (Application). Annexation without an election by petition of the property owners is allowed under ORS and by the City of Toledo Charter.

6. Notification of the proposed annexation and rezone was completed in conformance with the notification requirements as evidenced by submission of the notification affidavits and hereby made part of the record at the May 12, 2021, Planning Commission hearing and the June 2, 2021, City Council hearing.
7. Tax Lots 800 and 1100 are zoned R-1 by Lincoln County. All of the adjacent properties are within the Urban Growth Boundary (UGB) or City limits.
8. The property immediately to the north is Lincoln County Zoned R-1 and designated UGB Public Lands. The property to the east is Lincoln County Zoned R-1 and City designated low density residential. The property to the south/west and on the east side of Sturdevant Road is zoned R-S. The property to the west and on the west side of Sturdevant is designated UGB Natural Resources. See Staff Report Attachment 'D' (Comprehensive Plan Map).
9. Tax Lots 800 and 1100 are 6.7 acres in size. Tax Lot 800 currently has an existing single-family home and accessory structures. Tax Lot 1100 is currently vacant. The applicant also owns Tax Lot 1000 which is approximately 0.36 acres, located within the city limits, and zoned R-S. Based on the deeds it appears the three tax lots may be one parcel. A legal parcel determination will need to be completed.
10. Tax Lots 800 and 1100 are not connected to city sewer. Tax Lot 800 is connected to city water. The Public Works Department stated city water is available and that city sewer would need to be extended to reach the Tax Lots.
11. Access to these tax lots is from SE Sturdevant Road. SE Sturdevant Road is a paved county street. This meets Article 12 of the Toledo Comprehensive Plan by minimizing the adverse social, economic, and environmental impact costs of constructing, maintaining, and using transportation facilities and services. The subject property is adjacent to an existing county street.
12. The subject property will be zoned Single-Family Residential (R-S) after the annexation and zone change. The development standards in the R-S zone are listed in TMC 17.08. The zoning allows for single-family homes. The proposal meets Article 10 of the Comprehensive Plan by allowing additional housing in the City.
13. Lincoln County will not allow the creation of another lot inside of Toledo's UGB. In order to proceed with that intent of housing development the property would need to annex.
14. The City sent a Wetland Land Use Notification (WLUN) to the Department of Statelands (DSL). DSL recommended an on-site inspection by a qualified wetland consultant (Attachment E).

STAFF RECOMMENDATIONS:

Staff recommends that the annexation and rezone request be approved.

PROPOSED MOTION: Based on the staff report and attachments, testimony and evidence presented to the Planning Commission at the public hearing on May 12, 2021, the Toledo Planning Commission recommends approval of the annexation and rezone request as meeting the applicable criteria including ORS 222.111 (1) and (2) and ORS 222.125, The 2000 Toledo Comprehensive Land Use Plan, and Toledo Municipal Code Section 17.80.050 and the Commission adopts the proposed facts and findings presented in the staff report, allowing for the correction of typographical and grammatical errors.

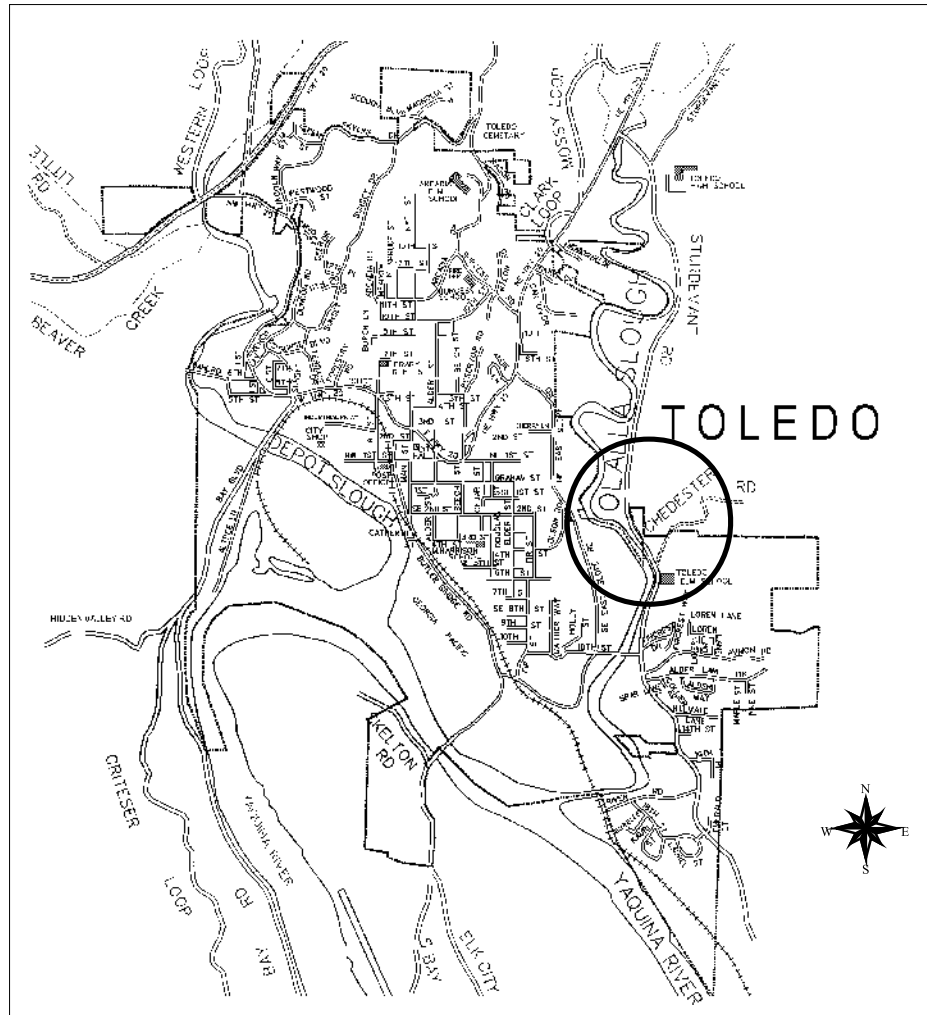
IV. PLANNING COMMISSION ROLE:

At the public hearing, the Planning Commission should evaluate the applicant's proposal and all testimony presented to them in order to make findings which demonstrate that the criteria in the Comprehensive Plan can be satisfied. The recommendation of the Planning Commission should be based on the testimony received by the Commission, the facts presented by the applicant and those who support or oppose the request, and the staff report.

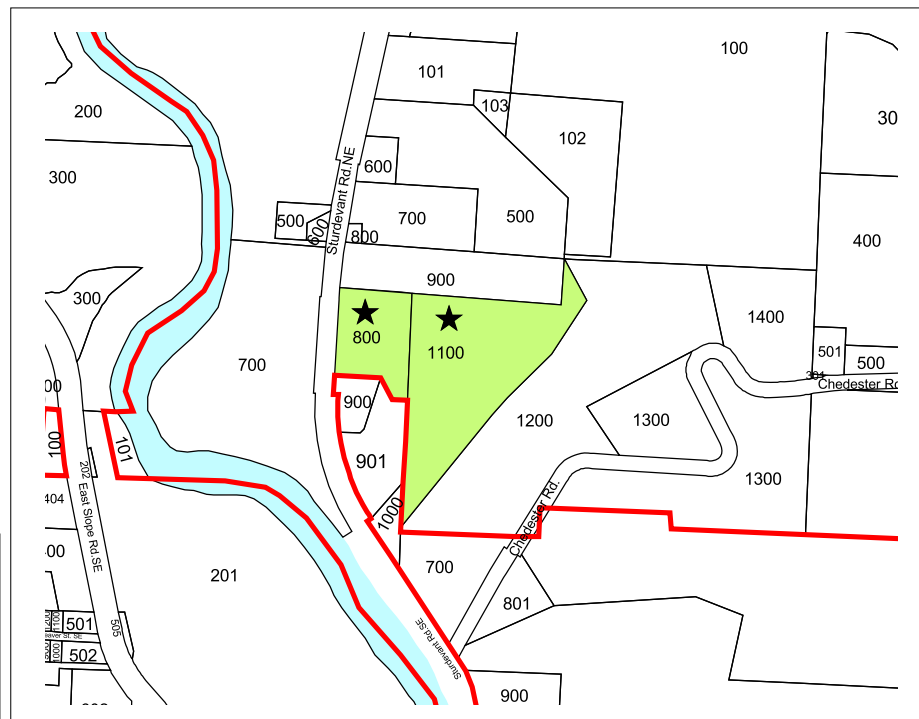
The Planning Commission forwards a recommendation to the City Council who will make the final decision on the annexation and rezone.

Justin Peterson
Contract Planner

Location Map



Site Map



ATTACHMENT A

Application

(City of Toledo File #AX-2-21/RZ-3-21)

CITY OF TOLEDO LAND USE APPLICATION

Date 3-16-2021

Property Owner Kelly Foley Lorraine Foley

Telephone 541 270-3746

Mailing Address 6958 Elk City Rd

Toledo OR 97391

Authorized Agent Same

Telephone Same

Property Address 150 SE Sturdevant Rd

Property Size 6.7 acres

Property Location _____

(1.52) (5.18)

Assessors Map No. 11-10-17-A0-00800-00

Tax Lot No. 800, 1100

11-10-17-A0-D1100-00

Present Zoning R-1

Proposed Change R-S

Comprehensive Plan Designation Low density Residential UGB

Current Land Use Residential

Existing Structures (if any) TL 800 single family house, garage, barn

Proposal for which this request is being made (attach additional sheets if needed) To annex into the city for residential development.

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.

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

*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.

PAID
MAR 23 2021

Date Received 3/23/21

Received By al

For Office Use Only

Fee Paid \$1100

CITY OF TOLEDO
City File No. _____

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 City Planner 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 _____

☐ yes

Kelly Fley Spruend Foley
Applicant(s) Signature

3-16-2021
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 X
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 _____
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:

Public Works Director

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:

Fire Chief Date

Police Department

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

Comments _____

REVIEWED AND APPROVED BY:

 04/22/21

Chief of Police 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

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 No Comments

REVIEWED AND APPROVED BY:

Dreg Musil
Fire Chief Inspector/Captain

4/22/21
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:

Chief of Police

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

A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of 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; *The proposed change would be the same as the comp plan.*
- B. Demonstration of compliance with all applicable standards and criteria of this code and other applicable implementing ordinances; *Annexation and zone change are taking place at the same time.*
- C. Evidence of a 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. *The comp plan is not changing and the proposed zone is what was designated.*

(Ord. 1286 § 1 (part), 2001)

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.

(Ord. 1286 § 1 (part), 2001)

17.80.070 - Record of amendments.

The city manager shall maintain a record of amendments to the text of this code and the land use maps in a format convenient for public use including the update of the official version of the maps on Geographic Information Systems as applicable.

(Ord. 1286 § 1 (part), 2001)

Chapter 17.80 - AMENDMENTS

17.80.010 - Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and the comprehensive land use map or zoning map. These will be referred to as "map and text 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.

(Ord. 1286 § 1 (part), 2001)

17.80.020 - Authorization to initiate amendments.

An amendment to the text or the maps of this title may be initiated by the city council, by the planning commission, or by application of a property owner.

(Ord. 1286 § 1 (part), 2001)

17.80.030 - Legislative amendments.

Legislative amendments are policy decisions such as the amendment to a comprehensive land use map or the municipal code made by the city council. They are reviewed using the Type IV land use procedure as set forth by ordinance.

(Ord. 1286 § 1 (part), 2001)

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 map 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.

(Ord. 1286 § 1 (part), 2001)

17.80.050 - Criteria for quasi-judicial map amendments.

(over)

Utility Plan

Power will be provided by Central Lincoln PUD and is at the street.

Water is available at the street, City of Toledo.

Sewer would be connected to City of Toledo when it is available.

Phone and Internet are both available at the street.

4-8-2021

Kelly Fry

DEED OF PERSONAL REPRESENTATIVE

ROBERT F. LETTENMAIER, the duly appointed, qualified, and acting personal representative of the estate of CARL F. LETTENMAIER, deceased, conveys to KELLY K. FOLEY and LORRAINE J. FOLEY, husband and wife, all that real property situated in Lincoln County, Oregon, described in the attached Exhibit "A". The property is subject to those encumbrances set out in the attached Exhibit "B".



THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$114,500.

DATED: September 28, 1995.

THIS DOCUMENT IS
BEING RE-RECORDED TO
ADD KELLY FOLEY'S
MIDDLE INITIAL

ROBERT F. LETTENMAIER
Personal Representative of the
Estate of Carl F. Lettenmaier

STATE OF OREGON)
) ss:
County of Lincoln)

On the 28 day of September, 1995, personally appeared the above named ROBERT F. LETTENMAIER and acknowledged the above instrument to be his voluntary act and deed as personal representative of the estate of Carl F. Lettenmaier.

Subscribed and sworn to before me September 28, 1995



Notary Public for Oregon

My commission expires: 11-1-97

MAIL TAX STATEMENTS TO:
Kelly and Lorraine Foley

After Recording Return To:
Kelly and Lorraine Foley

EXHIBIT "A"

A tract of land lying in Section 17, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, being more particularly described as follows:

Beginning at a point that is North 1373.22 feet and West 859.23 feet from the East quarter corner of Section 17, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon; thence South $43^{\circ} 09'$ West, 203.24 feet; thence South $36^{\circ} 46'$ West, 523.29 feet to the East line of that tract of land as described in Book 124, page 152, Lincoln County Records of Deeds, said line being the West line of the Southeast quarter of the Northeast quarter of said section; thence South along said line to the East line of County Road No. 528; thence Northwesterly along said road to an iron rod located North 811.72 feet and West 1426.15 feet of the East quarter corner of said Section 17, said point being the most Southerly corner of the Robert F. Lettenmaier et us tract described in instrument recorded November 27, 1987 in Book 187, page 2332, Film Records; thence North $38^{\circ} 41' 40''$ East, 159.87 feet; thence North $0^{\circ} 26' 40''$ East, 267.96 feet; thence North $89^{\circ} 33' 20''$ West, 50.0 feet; thence North $30^{\circ} 06' 20''$ West, 81.30 feet; thence North $89^{\circ} 20' 20''$ West, 159.96 feet to the Easterly right of way of County Road No. 528; thence Northerly along said Easterly right of way to its intersection with the South line of the United States of America tract as described in instrument recorded in Book 185, page 485, Deed Records; thence Easterly along the South line of the said United States of America tract and along the South line of the United States of America tract described in instrument recorded in Book 185, page 400, Deed Records, to the Southeast corner thereof; thence North $1^{\circ} 05'$ East along the East line of said tract, 150.00 feet to the Northeast corner thereof; thence South $30^{\circ} 49'$ East, 154.09 feet; thence South $30^{\circ} 37'$ West, 221.10 feet to the point of beginning.

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R273276	Neighborhood:	TTNB	Owner and	FOLEY KELLY K &
Map Taxlot:	11-10-17-A0-01100-00	Property Class:	640	Mailing Address:	FOLEY LORRAINE J 6958 ELK CITY RD TOLEDO, OR 97391
Tax Map:	11s10w17A			Site Address(es):	
Web Map:	View Map				
Info:	TWNShp 11, Rng 10, Acres 5.18, POTENTIAL ADDITIONAL TAX LIABILITY, MF306-2224				
Document:	MF306-2224				
Tax Code:	259				
Acres:	5.18				

Improvements					
No Inventory					

Value History					
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2020	0	99,470	99,470	3,850	60.36
2019	0	104,980	104,980	3,740	58.64
2018	0	81,280	81,280	3,500	50.89
2017	0	71,080	71,080	3,400	49.6
2016	0	90,400	90,400	3,200	44.81
2015	0	95,550	95,550	3,200	44.81
2014	0	90,200	90,200	3,110	43.89
2013	0	92,510	92,510	3,010	42.61
2012	0	92,510	92,510	2,920	41.72

Sales History					
No Sales Data					

Land		Related Accounts	Disclaimer
Description	AcresMarket ValueSpecial Use Value		
DESIGNATED FOREST	5.18 99,470		For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R275719	Neighborhood:	TTNI	Owner and	FOLEY KELLY K &
Map Taxlot:	11-10-17-A0-00800-00	Property Class:	641	Mailing Address:	FOLEY LORRAINE J 6958 ELK CITY RD TOLEDO, OR 97391
Tax Map:	11s10w17A			Site Address(es):	150 SE STURDEVANT RD
Web Map:	View Map				
Info:	TWNShp 11, RNg 10, ACRES 1.52, POTENTIAL ADDITIONAL TAX LIABILITY, MF306-2224				
Document:	MF306-2224				
Tax Code:	280				
Acres:	1.52				

Improvements							
Description	Area	Yr Built	Found	Heat	Plumb	BDMS	Value
MAIN AREA	1380 sq ft	1952	CONC	WALL	B	2	\$94,240
DETACHED GARAGE	576 sq ft	1952	CONC				\$13,690
GEN PURPOSE BLDG	600 sq ft		FR				\$10,450
ACCESSORY IMPROVEMENTS	1 sq ft						\$1,040

[Foundation Code List](#)
[Heating/AC Code List](#)
[Plumbing Code List](#)

Value History					
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2020	119,420	42,680	162,100	142,080	1,751.22
2019	107,700	44,560	152,260	137,940	1,682.47
2018	98,110	38,470	136,580	133,930	1,606.43
2017	92,600	35,360	127,960	126,470	1,512.81
2016	74,330	41,480	115,810	113,890	1,283.05
2015	44,930	78,660	123,590	119,200	1,339.83
2014	43,610	78,660	122,270	117,870	1,328.50
2013	55,570	80,250	135,820	130,030	1,456.94
2012	49,710	80,250	129,960	125,440	1,407.80

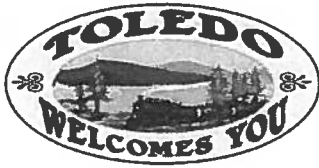
Sales History				
Sale Date	Price	Document	Type	Code
09/28/1995	\$114,500	MF306-2224	11	PRD

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		
DEV RES HOMESITE	1	19,200			For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should
SITE DEVELOPMENT		13,500			

ATTACHMENT B

Consent to Annex

(City of Toledo File #AX-2-21/RZ-3-21)



CITY OF TOLEDO
PLANNING DEPARTMENT
206 N. Main / P.O. Box 220
Toledo, OR 97391
Phone: 541-336-2247 Ext 2080
www.cityoftoledo.org

FORM 1 – ANNEXATION CHECKLIST

REQUIRED SUBMITTALS

Please review the following checklist and accompanying instructions. You may also contact the City of Toledo Planning Department for more information.

- ☐ Completed General Land Use Application (Step 2 of Instructions)
- ☐ Filing Fee
- ☐ Petition/Petition Signature Sheet (Step 3 of Instructions)
- ☐ Certification of Ownership and Electors (Step 4 of Instructions)
- ☐ Owners and Electors Worksheet
- ☐ Supplemental Information Form (Step 5 of Instructions)
- ☐ Legal Description (Step 7 of Instructions)
- ☐ Cadastral Map (Step 8 of Instructions)
- ☐ ORS 222.173 Waiver Form (Step 9 of Instructions)
- ☐ ORS 197.352 (Ballot Measure 49) Waiver Form (Step 10 of Instructions)
- ☐ Public/Private Utility Plan (Step 11 of Instructions)
- ☐ Written Narrative addressing approval criteria as specified below:
 1. The affected territory proposed to be annexed is within the City's urban growth boundary; and is contiguous to the City limits or separated from the City only by a public right-of-way or a stream, lake, or other body of water.
 2. The proposed annexation is consistent with applicable policies in the City of Toledo Comprehensive Plan and in any applicable refinement plans.
 3. The proposed annexation will result in a boundary in which key services can be provided.

Notes:

An application to apply a zoning district consistent with the Comprehensive Plan designation may be applied for concurrently with the annexation application. A separate application form is required.

Withdrawals from special districts may occur concurrently with an annexation proposed by an individual. The City is responsible for the withdrawal process and action.

has not yet expired as specified in ORS 222.173. To ensure that the necessary signatures are obtained, please complete the attached worksheet (Form 4).

C. Consents by Electors and Property Owners [ORS 222.170(2)]

If the proposal is to be initiated by a majority of the electors and owners of at least one half of the land area, complete Form 4. To give consent as an elector, the person signing the petition must be an eligible voter registered at an address within the annexation area. To give consent as a property owner, the person signing the petition must own an interest in the property, or is a purchaser on a contract sale that is recorded with the county. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition. Please provide evidence of such authorization. In lieu of a petition form, an owner's consent may be indicated on a previously executed consent to annex form that has not yet expired as specified in ORS 222.173. To ensure that the necessary signatures are obtained, please complete the attached worksheet (Form 4).

Step 5. Certification of Ownership and Electors

After completing the attached Petition Signature Sheet (Form 3), have the Lincoln County Department of Assessment and Taxation certify the ownerships within the proposed annexation area. If applicable, have the Lincoln County Clerk or Deputy Clerk certify the electors.

Step 6. Supplemental Information Form

Form 5 (attached) provides additional information for the proposed annexation that is not requested on the General Land Use Application, such as special districts that currently provide services to the proposed annexation area.

Step 7. Legal Description

A metes and bounds legal description of the territory to be annexed or withdrawn must be submitted electronically in Microsoft Word or a compatible software program. A legal description shall consist of a series of courses in which the first course shall start at a point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed comers and other monuments. A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted. The Oregon Department of Revenue has the authority to approve or disapprove the validity of a legal description. A professionally stamped legal description does not ensure Department of Revenue approval. The legal description must include contiguous or adjacent right-of-way to ensure contiguity as required by ORS 222.111 .

Step 8. Cadastral Map

Three clean copies of the most current cadastral map or maps, to scale, must be provided. An additional cadastral map at the same scale shall be provided that shows the proposed annexation area in relationship to the existing city limits. Cadastral maps can be purchased from the Lincoln County Assessment and Taxation office.

Step 9. ORS 222.173 Waiver Form

Complete the attached waiver (Form 6). The waiver should be signed by each owner within the proposed annexation area. The Form will need to be signed in front of a notary (notarized) and then recorded in Lincoln County Deed Records at the applicant's expense.

Step 10. ORS 197.352 (Ballot Measure 49) Waiver Form

Complete the attached waiver (Form 7). The waiver should be signed by each owner within the proposed annexation area.



**CITY OF TOLEDO
PLANNING DEPARTMENT**
206 N. Main / P.O. Box 220
Toledo, OR 97391
Phone: 541-336-2247 Ext 2080
www.cityoftoledo.org

CITY OF TOLEDO ANNEXATION INSTRUCTIONS

Please review the following steps and attached checklist for the items needed to file an application with the City. You may also contact the City of Toledo Planning Department for more information.

Step 1. Pre-application Meeting

A pre-application meeting is required before submitting an annexation application. You may schedule this meeting with the City of Toledo Planning Department.

Step 2. General Land Use Application

The City has a general land use application that must be completed and submitted with this type of land use application (refer to Form 2).

Step 3. Filing Fee

A filing fee is required for an annexation/rezone to be processed. See planning department for fee amount. Checks are payable to the City of Toledo.

Step 4. Petition/Petition Signature Sheet

Annexations can be initiated using one of the following methods. The attached Petition Signature Sheet is to be used for collecting signatures (refer to Form 3).

A. Consent by All Owners and a Majority of Electors [ORS 222.125]

If the proposal is to be initiated by the owners of all of the land area and a majority of the electors, if any, complete Form 4. To give consent as an elector, the person signing the petition must be an eligible voter registered at an address within the annexation area. To give consent as a property owner, the person signing the petition must own an interest in the property, or is a purchaser on a contract sale that is recorded with the county. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition. Please provide evidence of such authorization. In lieu of a petition form, an owner's consent may be indicated on a previously executed consent to annex form that has not yet expired as specified in ORS 222.173. To ensure that the necessary signatures are obtained, please complete the attached worksheet (Form 4).

B. Consent by Property Owners [ORS 222.170(1)]

If the proposal is to be initiated by the owners of at least one-half of the land area, land value, and land ownership, complete Form 4. To give consent for a particular piece of property, persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with the county, must sign the annexation petition. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition. Please provide evidence of such authorization. In lieu of a petition form, an owner's consent may be indicated on a previously executed consent to annex form that

Step 11. Public/Private Utility Plan

Submit a plan describing how the proposed annexation area can be served by key facilities and services.

Step 12. Written Narrative Addressing Consistency with the Criteria

All annexation requests must be accompanied with a narrative providing an explanation and justification of response with the criteria stated on the application (also stated below).

1. The affected territory proposed to be annexed is within the City's urban growth boundary; and is contiguous to the City limits or separated from the City only by a public right-of-way or a stream, lake, or other body of water.
2. The proposed annexation is consistent with applicable policies in the City of Toledo Comprehensive Plan and in any applicable refinement plans.
3. The proposed annexation will result in a boundary in which key services can be provided.

SUBMIT COMPLETED APPLICATION TO:

City Planning Department
City of Toledo
City Hall -206 N. Main Street
P.O. Box 220
Toledo, Oregon 97391



CITY OF TOLEDO
PLANNING DEPARTMENT
206 N. Main / P.O. Box 220
Toledo, OR 97391
Phone: 541-336-2247 Ext 2080
www.cityoftoledo.org

FORM 2 - ANNEXATION APPLICATION

Type of Annexation: (May require a supplemental application to be attached and/or additional documentation)

☒ Annexation	☒ Rezone (Zone Change)	☐ Comprehensive Plan Map Amendment _____
--	--	---

PROPERTY ADDRESS (or location if an address has not been assigned):

150 SE Sturdevant Road

SIZE OF PROPERTY:

6.7 Acres

ASSESSOR'S MAP AND TAX LOT NO:

11-10-17-A0-00800-00, 11-10-17-A0-01100-00

PRESENT USE:

Residential

PROPOSED USE:

BRIEF SUMMARY OF ACTION REQUESTED:

NAME OF PROPERTY OWNER(S):

Kelly Foley Lorraine Foley

ADDRESS:

6958 Elk City Rd. Toledo OR 97391

PHONE: 541 270-3746

E-MAIL: Kfoley 336 @ peak.org

NAME OF APPLICANT(S):

Same

ADDRESS:

PHONE:

E-MAIL:

NAME OF CONTACT:

ADDRESS:

PHONE:

E-MAIL:

ATTACHMENT(S): Yes _____ No _____

I have the following legal interest in the property (Please check one):

Owner of Record ☒

Lessee _____

Holder of an Exclusive Option to Purchase _____

Contract Purchase _____

I hereby certify that the foregoing statements and other information attached hereto are true and accurate to the best of my knowledge and belief I also agree to pay all direct costs associated with processing this land use application.

Kelly Foley
Owner's Signature

Lorraine Foley

3-16-2021
Date

Staff Use Only

Filing Fee: _____

Payment Received by: _____

Date: _____

Zoning: _____

Plan Designation: _____

File No. _____

Date Application Deemed Completed: _____

Completion Checked by: _____

Date: _____



To the City Council of the City of Toledo:

FORM 3 - PETITION/PETITION SIGNATURE SHEET

Annexation by Individuals

CITY OF TOLEDO
PLANNING DEPARTMENT
206 N. Main / P.O. Box 220
Toledo, OR 97391
Phone: 541-336-2247 Ext 2080
www.cityoftoledo.org

We, the following property owners/electors, petition and consent to the annexation of the following territory to the City of Toledo. A map is attached, marked Exhibit A, showing the affected territory and its relationship to the present City boundaries.

Signature	Dated signed (m/d/y)	Printed Name	Mailing address (street, city, zip code)	Property Address (street, city, zip code)	Map & Tax Lot No. (ex: 11-10-03-00- 01000)	Property owner (y/n)	Registered voter (y/n)
1.							
2.							
3.							
4.							
5.							
6.							
7.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my entity or agency. (Attach evidence of such authorization when applicable.)

I, _____ (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.

X _____ (signature of circulator)

CERTIFICATION OF OWNERSHIP

The total landowners in the proposed annexation are _____ (qty). This petition reflects that _____ (qty) landowners (or legal representatives) listed on this petition represent a total of _____ (%) of tax lots the landowners and _____ (%) of the acres as determined by the map and attached to the petition. (A&T is not responsible for subsequent deed activity that may not yet be reflected on the A&T computerized tax roll)

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed district annexation are _____. I hereby certify that this petition includes _____ valid signatures representing _____ (%) of the total active registered voters that are registered in the proposed annexation.

Lincoln County Department of Assessment and Tax

Date Certified

Lincoln County Clerk or Deputy Signature

Date Certified



CITY OF TOLEDO
PLANNING DEPARTMENT
 206 N. Main / P.O. Box 220
 Toledo, OR 97391
 Phone: 541-336-2247 Ext 2080
www.cityoftoledo.org

FORM 4 - OWNERS AND ELECTORS WORKSHEET

(This form is NOT the petition)

(Please include the name and address of ALL owners and electors regardless of whether they signed an annexation petition or not. This information will assist in determining the appropriate initiating method and for notification purposes.)

OWNERS

Property Designation (Map/Lot Number)	Name of Owner	Acres	Assessed Value	Imp Y/N	Signed Yes	Signed No
11-10-17-A0-00800	Kelly Foley Lorraine Foley	1.52	142,080	Y	X	
11-10-17-A0-01100	Kelly Foley Lorraine Foley	5.18	3,850	N	X	
TOTALS:		6.7	145,930			

In lieu of a petition form, an owner's consent may be indicated on a previously executed consent to annex form that has not yet expired as specified in ORS 222.173. Please attach recorded copies of completed Consent to Annex form(s), if applicable.

FORM 4 - OWNERS AND ELECTORS WORKSHEET

(Continued)

ELECTORS

[illegible]

FORM 4 - OWNERS AND ELECTORS WORKSHEET

(Continued)

SUMMARY

TOTAL NUMBER OF ELECTORS IN THE PROPOSAL	
NUMBER OF ELECTORS WHO SIGNED	
PERCENTAGE OF ELECTORS WHO SIGNED	
TOTAL ACREAGE IN PROPOSAL	
ACREAGE SIGNED FOR	
PERCENTAGE OF ACREAGE SIGNED FOR	

Application Initiated by *(for an explanation of the initiating methods, refer to Step 4 of the Instructions):*

- ☐ A – All Owners/Majority Electors [ORS 222.125]
- ☐ B – Majority Owners/Area/Value [ORS 222.170(1)]
- ☐ C – Majority Electors/Area [ORS 222.170(2)]



FORM 5

CITY OF TOLEDO
PLANNING DEPARTMENT
206 N. Main / P.O. Box 220
Toledo, OR 97391
Phone: 541-336-2247 Ext 2080
www.cityoftoledo.org

SUPPLEMENTAL INFORMATION FORM

(Complete all the following questions and provide all the requested information. Attach any responses that require additional space, restating the question or request for information on additional sheets.)

Contact Person: Kelly Foley
E-mail: Kfoley 336 @ peak. org

Supply the following information regarding the annexation area.

- Estimated Population (at present): 2
- Number of Existing Residential Units: 1
- Other Uses: _____
- Land Area: 6.7 total acres
- Existing Plan Designation(s): Low density Residential
- Existing Zoning(s): R1
- Existing Land Use(s): Residential
- Applicable Comprehensive Plan(s): Toledo Comp plan article 10
- Applicable Refinement Plan(s): _____
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. proposed RS matches the comp plan designation.
- Are there development plans associated with this proposed annexation? Yes _____ No X
If yes, describe. NO specific plan at this time
- Is the proposed use or development allowed on the property under the current plan designation and zoning? Yes _____ No X
- Indicate whether a change of zoning is required/requested to allow the proposed use or development.
Zone Change requested: Yes X No _____
If requested, proposed Zoning District: _____
- Does this application include all contiguous property under the same ownership? Yes _____ No X
If no, state the reasons why all property is not included: Tax lot 1000 has already been annexed.

- Check the special districts that provide service to the annexation area:
 - ☐ Toledo Fire District
 - ☐ Toledo Library District
 - ☐ Other: _____

Names of persons to whom staff notes and notices should be sent, in addition to applicant(s), such as an agent or legal representative.

(Name)

(Name)

(Address, City, State Zip)

(Address, City, State, Zip)

(Name)

(Name)

(Address, City, State Zip)

(Address, City, State, Zip)

(Name)

(Name)

(Address, City, State Zip)

(Address, City, State, Zip)

FORM 6

WAIVER OF EXPIRATION OF CONSENT TO ANNEXATION

We, Kelly Foley, and Lorraine Foley (Developers) are the owners of that piece of real property commonly known as 150 SE Stuart Rd, located within Lincoln County, Oregon and more particularly described as follows (Property):

[INSERT LEGAL DESCRIPTION FOR PROPERTY]

Developers hereby agree that the consent to annexation of the Property by the City of Toledo is irrevocable and shall be binding upon Developers' heirs, successors, and assigns forever, being a covenant running with the land. Developers hereby waive the one-year period prescribed by ORS 222.173.

[Signature]
Developer's Signature

Date: 4-8-2021

Developer's Signature

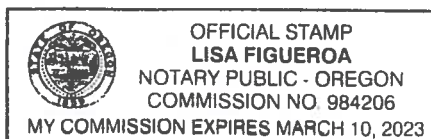
Date: _____

STATE OF OREGON)
County of Lincoln) ss.

This instrument was acknowledge before me on this 8th day of April, 2021, by Lorraine T Foley and _____, who I personally know or satisfactory identification was provided, and attested to be their voluntary act and deed.

[Signature]
Notary Public for Oregon

My Commission Expires: march 10, 2023



FORM 6

WAIVER OF EXPIRATION OF CONSENT TO ANNEXATION

We, Kelly Foley, and Lorraine Foley (Developers) are the owners of that piece of real property commonly known as 150 SE Sturdevant Rd, located within Lincoln County, Oregon and more particularly described as follows (Property):

[INSERT LEGAL DESCRIPTION FOR PROPERTY]

Developers hereby agree that the consent to annexation of the Property by the City of Toledo is irrevocable and shall be binding upon Developers' heirs, successors, and assigns forever, being a covenant running with the land. Developers hereby waive the one-year period prescribed by ORS 222.173.

Kelly Foley
Developer's Signature

Date: 4-8-2021

Developer's Signature

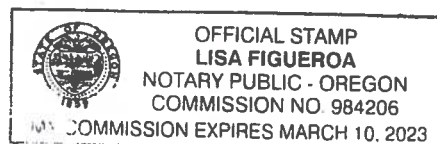
Date: _____

STATE OF OREGON)
County of Lincoln) ss.

This instrument was acknowledge before me on this 8th day of April, 2021, by Kelly Foley and _____, who I personally know or satisfactory identification was provided, and attested to be their voluntary act and deed.

Lisa Figueroa
Notary Public for Oregon

My Commission Expires: MARCH 10, 2023



FORM 7

ORS 197.352 BALLOT MEASURE 49 WAIVER FORM

Name of Document for Recording:

(For County Recording Use Only)

Covenant of Waiver of Rights and Remedies

Grantee: City of Toledo

Consideration: Commencement of Proceedings.

Tax Statement to be mailed to: No Change.

After Recording, Return To: City of Toledo
Attn: City Recorder
PO Box 220
Toledo, OR 97391

Covenant of Waiver of Rights and Remedies

Whereas, Kelly Foley Lorraine Foley, hereinafter referred to as "Petitioner/Owner", has petitioned the City of Toledo ("City") to commence an annexation (proceedings) for the following described real property:

[INSERT LEGAL DESCRIPTION]

Whereas, pursuant to the enactment of Ballot Measure 49 (effective December 6, 2007), a property owner may elect to seek just compensation if a public entity enacts one or more land use regulations that restrict the residential use of private real property after the property owner acquired the property; and

Whereas, there is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner/Owner's requested proceedings if: (1) the result would or could arguably give rise to a later claim by the owner or the owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings; or (2) would or could arguably give rise to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner/Owner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate any potential claim for compensation or right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner/Owner warrants that the individual(s) executing this Covenant holds the full and complete present ownership and all interests therein in Property, and hereby agrees and covenants as follows:

1. As inducement to the City to proceed with the Annexation and Rezone proceedings, proceeding(s) affecting the subject real property, which may include designation of the property as subject to additional applicable overlay zones and districts (all inclusively referred to herein as "proceedings"), the undersigned Petitioner/Owner, on behalf of Petitioner/Owner, Petitioner/Owner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Toledo, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases, forever discharges, and agrees that Petitioner/Owner shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
2. This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated only by the City of Toledo filing a Notice of Termination of Covenant with the Lincoln County recorder.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner/Owner acknowledges that the proceedings may be initiated by the City of Toledo at any time in the discretion of the City of Toledo and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have

independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this _____ day of _____, 20_____.

Petitioner(s)/Owner(s) – If individuals:

Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____
Date: _____

State of Oregon)
County of _____) ss.

This instrument was acknowledge before me on this _____ day of _____, 20_____, by _____ and _____, who I personally know or satisfactory identification was provided, and attested to be their voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

Petitioner(s)/Owner(s) – If entity:

Entity: _____

By: _____

Its: _____

Date: _____

State of Oregon)
County of _____) ss.

On this _____ day of _____, 20_____, personally appeared the above-named _____, personally known to me, or confirmed by satisfactory evidence, who being first sworn, stated that s/he is the _____ of _____ (entity), and who stated that s/he signed the foregoing instrument on behalf of _____ (entity) and is authorized to bind such entity, and s/he acknowledged the foregoing instrument to be the voluntary act and deed of _____ (entity).

Notary Public for State of Oregon
My Commission Expires: _____

City of Toledo:

By: _____
City Manager

Date: _____

State of Oregon)
County of _____) ss.

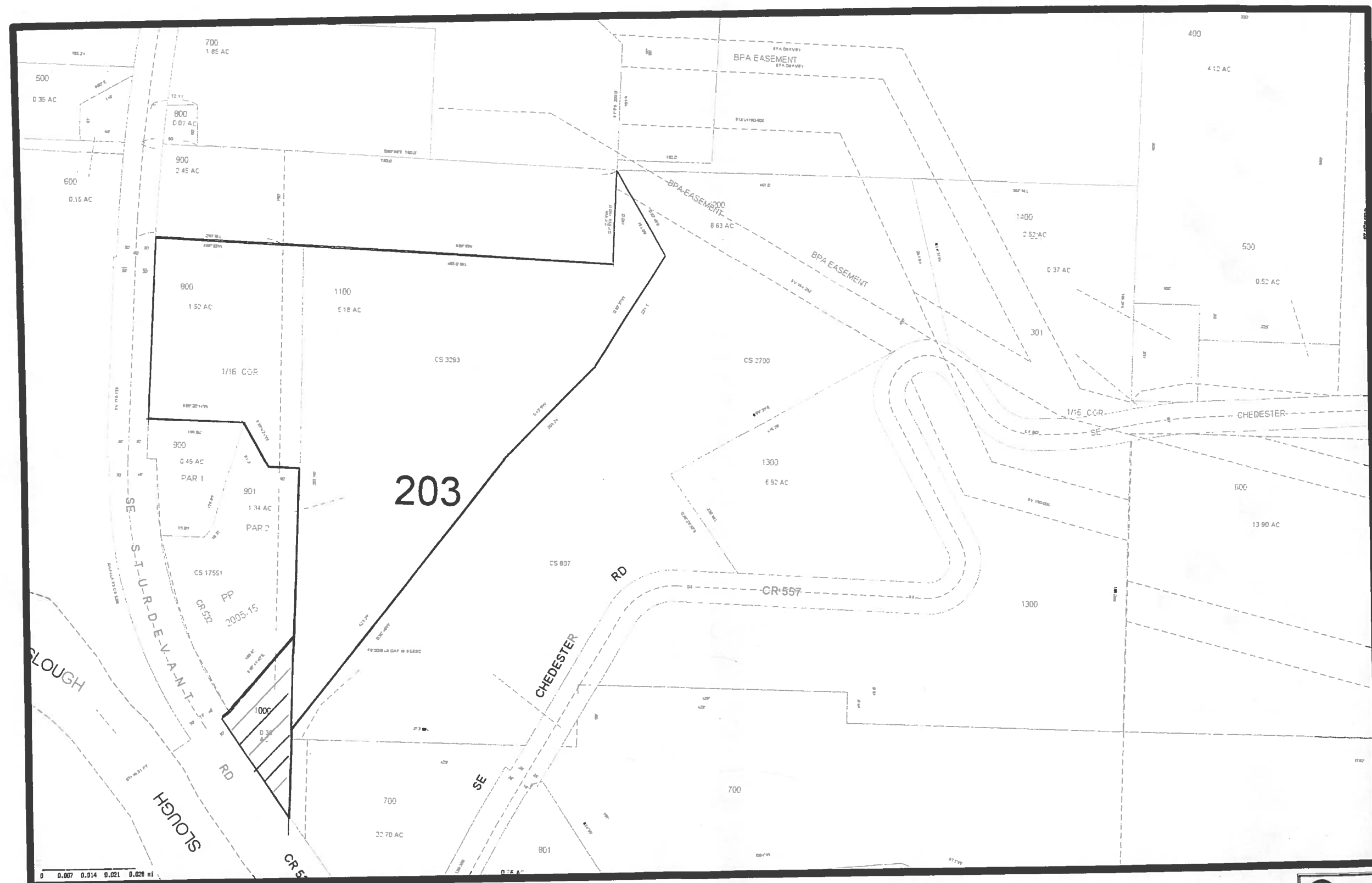
On this _____ day of _____, 20_____, personally appeared the above-named _____, as the City Manager, who signed the foregoing instrument on behalf of the City of Toledo, and who acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for State of Oregon
My Commission Expires: _____

This document is accepted pursuant to authority and approved for recording.

Map

ATTACHMENT C Site Plan Map (City of Toledo File #AX-2-21/RZ-3-21)



Printed 06/27/2019

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[illegible]

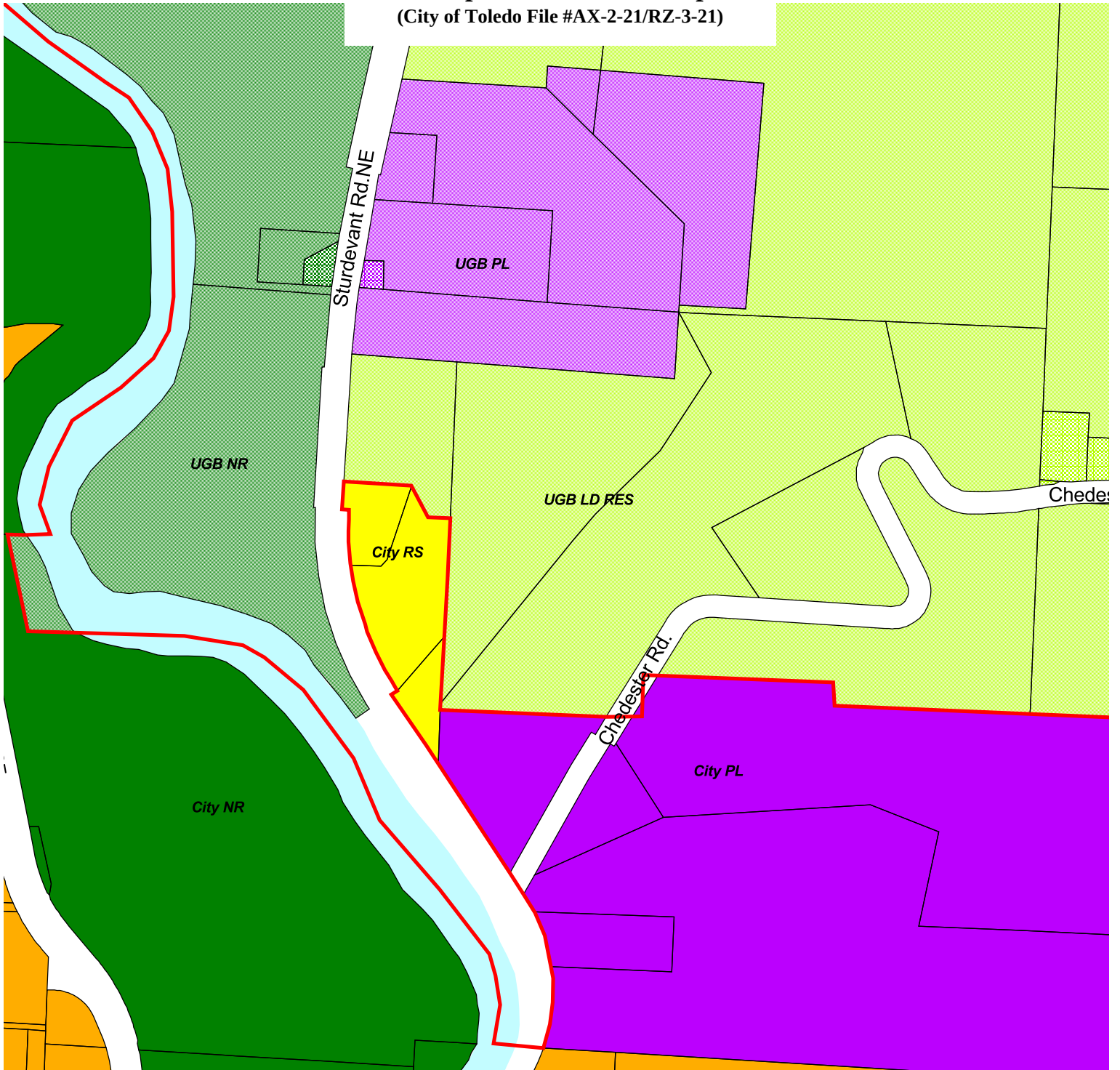
Printed 06/27/2019
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engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.



ATTACHMENT D

Comprehensive Plan Map

(City of Toledo File #AX-2-21/RZ-3-21)



- City Limits
- UGB
- Parcels
- Railroad
- 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
- Waterways



ATTACHMENT E
Draft Ordinance
(City of Toledo File #AX-2-21/RZ-3-21)

ORDINANCE NO. _____

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

WHEREAS, on March 23, 2021, Kelly and Lorraine Foley filed a written request for annexation of property located at 150 SE Sturdevant Road (Assessor's Map #11-10-17 A Tax Lots 800 and 1100 – approximately 6.7 acres) that is outside the city limits but is contiguous to the city limits of the City of Toledo,

WHEREAS, on March 23, 2021, in addition to the annexation request, the property owner of Assessor's 11-10-17 A Tax Lots 800 and 1100 also filed a request to rezone the 6.7 acre parcel of the property from County R-1 to City Single-Family Residential (R-S), consistent with the 2000 Toledo Comprehensive Land Use Plan Map,

WHEREAS, the Planning Commission held a public hearing on May 12, 2021, on the proposed annexation and rezone (local file #AX-2-21/RZ-3-21) 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 June 2, 2021, 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 June 2, 2021, 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

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 # 11-10-17 A Tax Lots 800 and 1100, and as described below is annexed to the City of Toledo, Oregon:

A tract of land lying in Section 17, Township 1 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon, being more particularly described as follows:
Beginning at a point that is North 1373.22 feet and West 859.23 feet from the East quarter corner of Section 17, Township 11 South, Range 10 West, Willamette Meridian, in Lincoln County, Oregon; thence South 43° 09' West, 203.24 feet; thence South 36° 46' West, 523.29 feet to the East line of that tract of land as described in Book 124, page 152, Lincoln County Records of Deeds, said line being the West line of the Southeast quarter of the Northeast quarter of said section; thence North 8° 49' 30" West 123.12 feet; thence North 0° 26' 40" East, 267.96 feet; thence North 89° 33' 20" West, 50.0 feet; thence North 30° 06' 20" West, 81.30 feet; thence North 89° 20' 20" West, 159.96 feet to the Easterly right of way of County Road No. 528 thence

Ordinance # _____

6/2/21

Page 1 of 2

Northerly along said Easterly right of way to its intersection with the South line of the United States of America tract as described in instrument recorded in Book 185, page 485, Deed Records; thence Easterly along the South line of the said United States of America tract and along the South line of the United States of America tract described in instrument recorded in Book 185, page 400, Deed Records, to the Southeast corner thereof; thence North 1 ° 05' East along the East line of said tract, 150.00 feet to the Northeast corner thereof; thence South 30° 49' East, 154.09 feet; thence South 30° 37' West, 221.10 feet to the point of beginning.

Section 2. The property identified as Lincoln County Assessor's Map # 11-10-17 A Tax Lots 800 and 1100 (approximately 6.7 acres), is rezoned from the County R-1 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.

PASSED AND ADOPTED by the City Council of the City of Toledo, Lincoln County, Oregon, on the _____ day of _____, 2021.

ATTEST:

APPROVED:

City Recorder

Mayor

ATTACHMENT F

Wetland Land Use Notification

(City of Toledo File #AX-2-21/RZ-3-21)



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2021-0355

Responsible Jurisdiction

Staff Contact

Justin Peterson

Jurisdiction Type

City

Municipality

Toledo

Local case file #

RZ-3-21 and AX-2-21

County

Lincoln

Activity Location

Township

11S

Range

10W

Section

17

QQ section

A

Tax Lot(s)

800,1100,
1000

Street Address

150 SE Sturdevant Rd

Address Line 2

City

Toledo

Postal / Zip Code

97391

State / Province / Region

OR

Country

Lincoln

Latitude

44.619764

Longitude

-123.923380

Wetland/Waterway/Other Water Features

- ☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- ☒ The National Wetlands Inventory shows wetland, waterway or other water features on the property
- ☒ Local Wetlands Inventory shows wetland, waterway or other water features on the property
- ☒ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

☒ The property includes or is adjacent to designated Essential Salmonid Habitat.

☒ The property includes or is adjacent to state-owned waters.

Your Activity

☒ An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

☒ The proposed parcel division may create a lot that is largely wetland and thus create future development problems.

Applicable Oregon Removal-Fill Permit Requirement(s)

☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

☒ A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information

Additional Comments

No project appears to be proposed, but if widespread residential development is planned in the future, a wetland delineation report is recommended to prevent any possible impacts to jurisdictional wetlands. Additionally, what is mapped as Tax Lot 100 may be difficult to develop, as much of it may be wetland/below Highest Measured Tide elevation. Any amount of disturbance may require a permit in this area. Please feel free to call me with any further questions.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

☒ A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

4/28/2021

Response by:

Matthew Unitis

Response Phone:

503-986-5262



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

Responsible Jurisdiction

*

☒ City of ☐ County of

Municipality*

Toledo

Date*

3/29/2021

Staff Contact

First Name*

Justin

Last Name*

Peterson

Phone*

541-336-2247

Email*

jpetersen@ocwcog.org

Applicant

First Name*

Kelly

Last Name*

Foley

Mailing Address*

Street Address

6958 Elk City Rd

Address Line 2

City

Toledo

Postal / Zip Code

97391

State

OR

Country

US

Phone

541-270-3746

Email (?)

Is the Property Owner name and address the same as the Applicant?*

☐ No ☒ Yes

Activity Location

Township* (?)

11S

Range* (?)

10W

Section* (?)

17

Quarter-quarter Section (?)

A

Tax Lot(s) *

800,1100,1000

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

150 SE Sturdevant Rd

Address Line 2

City

Toledo

Postal / Zip Code

97391

State

OR

Country

US

County *

Lincoln

Adjacent Waterbody

Wetland

Proposed Activity**Local Case File # ***

RZ-3-21 and AX-2-21

Zoning

County R-1 changing to City
R-S

Proposed☐ Building Permit (new structures)☐ Grading Permit☐ Site Plan Approval☒ Other (please describe)

Annexation and Zone Change

☐ Conditional use Permit☐ Planned Unit Development☐ Subdivision**Project ***

The applicant is proposing to annex TL 800 and TL 1100 into the City. The two tax lots total approximately 6.7 acres. The third tax lot is already located inside City Limits. However, the City believes the three tax lots may be one parcel. The development in the future will be residential or another allowed use in the zone. Wetlands are located near the eastern edge of the property based on the SWI map. TL 800 has an existing single family home and accessory structures.

Required attachments with site marked: Tax map and site plan(s). (?)

RZ-3-21 and AX-2-21 Maps.pdf

139.93KB

Zoning Map AX-2-21 RZ-3-21.pdf

47.52KB

Additional Attachments**Date**

3/29/2021



Large Wildland fire preparations

01/13/2021

RV. 04/13/2021

RV. 05/03/2021

—(draft)

Jonathan Mix

Engine Boss / Whitehead Reforestation LLC.

Planning Commissioner/The City of Toledo Oregon

Overview

To protect life, property, vital infrastructure, and natural resources within the City limits and UGB of Toledo Oregon from a catastrophic wildfire. Along with supporting responding fire suppression resources.

Goals

1. Mitigate / manage fuel loads on city properties and unused streets.
2. Mitigate /manage fuel loads on private and commercial properties.
3. Mitigate /manage fuel loads along high volt. power line corridors and right of ways.
4. Prepare fire / fuel breaks along unused streets and property lines.
5. Identify / mark escape routes to safety zones.
6. Identify, build, and mark alternative water sources specifically for wildfire suppression.
7. Draft a map for pre-emergency planning containing only currently City owned properties highlighted with purple. Accompanied with a list containing information of the uses or planned uses, zoning, size, address, gps location of any structures, size of structures, use of structures, available water sources, flow rate or standing amount of water source, protected wildlife habitat or any other useful information.
8. Draft a map for coordinating fire suppression resources containing a general layout of the city along with the boundary of both the City limits and the UGB border for reference to construct fuel breaks for use as primary fire lines. Also intended uses of such a map would be a starting point for keeping record of phase ones progress and used incase of an actual event.

Specifications

All pre fire suppression efforts will follow NFPA specifications and will be under the City's Fire Department supervision.

Wildfire fuel management

Within NFPA specifications, remove a minimum of 75% - 80% of brush and tree litter adjacent to structures, both sides of fire breaks, road edges and right of ways.

Phase 1

Notify the public

- A. Notify the public of the project and start a community fire awareness program educating the public in basic fire suppression and property management.

Triage/ Assessment

- A. Utilizing a GPS to document structure and strategic locations for map drafting.
- B. Document triaged structures and property fuel load assessment on the City's perimeter while scouting for alternative water sources such as springs and swampy areas, drafting sites, helicopter dip sites, potential fuel / fire break locations and any other strategic locations; (see FPP map plan legend for icons.)
- C. Starting with an anchor point at the southernmost point of the City's UGB and the high tide mark of the Yaquina Bay, working along the eastern flank to the north and around to the western side in order of establishing a secure fire break; incase of a fire from outside the urban growth boundary encroaches the City.
- D. After a line has been established around the perimeter; a minimum of 30 feet i.e. utilizing streets, roads, driveways, or other fire breaks, with fuel breaks; continue to gain depth of mitigated area within division breaks throughout the city until the triage stage has been completed.

Mitigation of fuel loads

- A. Immediately after the Triage/ Assessment stage has been initiated fuel mitigation should commence via contacting property owners and residents about the potential of fire if any on or around their property or structures; i.e. a notice of any ordinance violations or a mailbox hanger with a grading system that indicates their fire potential and containing suggestions.
- B. Also any line construction or any other mitigation on City properties should also commence immediately after triage has initiated .
- C. Manage fuel loads as it grows throughout the growing season on City properties and ensure all other properties are also being managed.

Phase 1 cont.

Roles

1. Planning Commission.

Operate within scope of practice.

01. Verify applicability of the plan.
02. Ensure criteria is met.
03. Staff produce maps and other documents needed.

2. City Council.

Operate within scope of practice.

01. Verify applicability of the plan.
02. Ordain /set forth in motion the Planned actions.

3. City manager.

Operate within scope of practice.

01. Notify the public of the project via various media outlets.
02. Solicit contractors for mitigation and maintenance of fuels.
03. Ensure communications between various resources are conveyed.
04. Ensure all activities are documented.

4. Fire Dept.

Operate within scope of practice.

01. Coordinate /conduct public education utilizing the Library.
02. Conduct structure triage within the UGB and City limits.
03. Document long.& lat. of structures, address, lot numbers, slope % and aspect.
04. Conduct /document fuel load analysis on any lots along with address or lat.& long., lot numbers, slope % and aspect; along with any City owned properties outside of the UGB boundary.
05. Scout / document strategic locations (see FPP map legend for designations).
06. Direct / inspect / conduct any burning mitigation / maintenance of fuel loads on City owned properties / unused streets.
07. Direct / inspect / conduct any fuel break construction.
08. Locate / document safety zones and escape routes inside UGB and City limits.

Phase 1 cont.

Roles cont.

5. Public works.

Operate within scope of practice.

01. Conduct / coordinate the mitigation and maintenance of fuel loads on City owned properties / unused streets under Fire dept. direction and inspection.
02. Conduct /coordinate the construction fuel breaks under the direction of the Fire dept.
03. Mark escape routes / safely zones with appropriate signage under direction of the Fire dept.

6. Police dept.

Operate within scope of practice.

01. Security.
02. Code enforcement.
03. Traffic control.
04. Dispatching resources.
05. Conducting evacuations.

7. Library

Operate within scope of practice.

01. Conduct / coordinate a public wildfire education program for the community under direction of the Fire dept.

Phase 1 cont.

Suggested uses of mitigated fuels.

Energy can only be transferred from one form to another; i.e. woody debris is stored energy and when burned in a wildfire it's wasted.

Why let it be wasted in a landfill or a burn pile?

Why can't we build an energy conversion plant that can mitigate the fuel loads and produce energy locally?

What about using the energy to purify rain run off before storing it for fire suppression?

These things can be a part of Phase 2 wildfire long term planning.

Supporting article.

<https://www.powermag.com/>

Good Biomass: An Inside Look at Producing Sustainable Wood Pellets

As the world combats a health pandemic, it is simultaneously fighting a drawn-out battle with climate change. As the Paris agreement reaches its fifth year, the UK, Germany, Netherlands, Japan, and other countries remain committed to finding new solutions, technologies, and sources of renewable energy to meet their ambitious 2030 and 2050 net-zero carbon emission goals.

One cost-effective way to reduce global warming is through the implementation of woody biomass into the global energy system. In fact, sustainably sourced wood biomass has been proven to play a significant, supplemental role as a dispatchable and reliable, non-fossil energy generator for countries around the world.

The woody biomass and bioenergy industries make up 60% of the European Union's (EU's) renewable energy, equate to \$107 billion in U.S. gross domestic product, and as

a group are part of a forestry industry that supports more than 2.9 million jobs across the U.S. Woody biomass has become a leading supplier of the world's low-carbon energy supply, lowering carbon emissions by as much as 85% on a lifecycle basis when compared to coal. As a leading global energy company specializing in sustainable wood bioenergy, [Enviva](#) is providing an inside look into good biomass production, operations, and maintenance.

Finding and Sourcing From the 'Right' Forests

Enviva produces about 3.5 million metric tons of wood pellets per year (Figure 1) to supply essential fuel for power utility companies across the globe, including the UK and EU. It sources its low-grade wood fiber from private landowners in the U.S. Southeast, a region that produces about one-fifth of the wood used worldwide each year. To put the scale of the wood sourced in perspective, every year, only 2% of the forests in the southeastern U.S. are harvested, while the remaining 98% of forests continue to grow and store carbon.



1. Enviva's sustainable wood pellet production plant in Sampson, North Carolina, produces about 555,000 metric tons of wood pellets per year. Courtesy: Enviva

The fiber used for wood pellets comes from low-value wood, treetops, limbs, thinning practices, and sawmill residues from planned traditional timber harvests. However, Enviva does not believe all forest biomass is suitable for energy use, and there is a difference between “good biomass” and “bad biomass.” Good biomass is sourced from



forests and feedstocks that are sustainably harvested. In this vein, Enviva does not support biomass production in the U.S. or elsewhere around the world that causes deforestation, degrades forests that have high carbon stocks, threatens endangered species, harms biodiversity, or diminishes water quality.

Supporting article.

<https://segmentnext.com/>

By Ahmad Nouman Jun 12, 2020

You will need Electricity to power most of the structures in Satisfactory and as you progress through the game, you will require more power to increase your electric supply connections. This guide will show you How to Get Power in Satisfactory and cover all the details about power generation and the transmission of electricity from the early levels to the end game missions.

How to Get Power in Satisfactory

In the very beginning, the HUB has a simple biomass generator, The Biomass Burner, to produce electricity in Satisfactory. As you progress through the game and upgrade the generator, you will get another one too.

The main sources of fuel for this generator are leaves, wood, biomass and biofuel. Hence you must keep gathering more and more leaves and wood as you make your way through the game.

As you progress in the game, you will be able to build standalone Biomass generators which will increase your power production and effective ways of supplying electricity i.e using Coal.

There are several types of generators that you can build for producing electricity in Satisfactory.

They all differ on the basis of power output and fuel type. There are Biomass Burner, Coal Generator, Fuel Generator, Geo-Thermal Generator and Nuclear Power Plant.

The fuel consumption also varies according to the generation of power versus consumption. If a coal generator is producing 80MW but only 40MW is being consumed by the buildings, the fuel will last twice as long.

Electricity Transmission

You need to plan the power transmission very smartly. When you build new objects and extend the electricity network, you might face problems in supplying the power to buildings.

Initially, the pylons can only hold 4 cables. You will be able to connect two objects most of the time, while leaving the other two for connection to the main network and the next pylon.

You must hence, always build more pylons than you need, so that you don't have to waste time searching for the free pylons.



Ahmad Nouman



Phase 1 cont.

Suggested uses of run off.

Water is the most valuable resource on our planet, in our area it's taken for granted. Someday we may need it, so why not be proactive and store some.

The use of water in fire suppression is the go to in most cases, however in a wildland setting it can be difficult to find so we resort to removing the fuels in various ways but we still need water to finish mopping up and slowing its progress.

One of the main ways of transporting water is for helicopters to use big buckets or suction hoses with pumps and water tanks, in order for them to be filled they need some place to dip them in such as lakes, ponds or other standing water, man made or not.

The storage of rain runoff from the streets is one thing we can do to help mitigate flooding, pollution, erosion and use it for fire suppression.

There are multiple methods of storing water, one being large tanks that have an opening that can be made available for heli dipping or drafting, not to mention marking on the map available sites that have been pre determined sufficient and adequate supply while ensuring any habitat concerns are managed.



Supporting article.

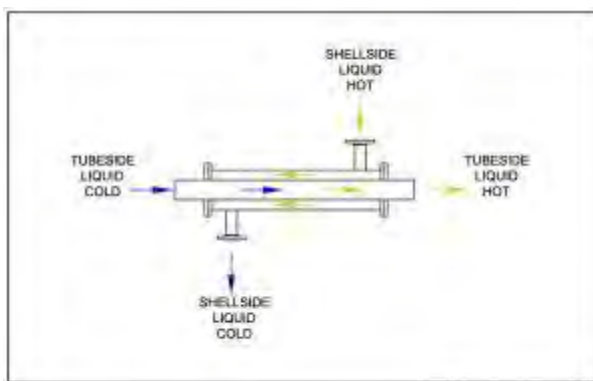
<https://www.pureflowinc.com/about/locations/>

Heat Exchangers For Water Purification Processes

By Harv Scholz, PE | Pureflow, Inc.

Heat Exchanger Basics

A heat exchanger is a device used to transfer heat from one process stream to another, without having the two streams mix. These units are typically made of stainless steel, at least on the pure water side, and can be stainless steel or carbon steel on the heating/cooling medium side. A simple tube-in-tube heat exchanger is illustrated below. In this case a hot liquid is going through the shell (outer chamber), and the cold liquid is passing through the inner chamber, receiving heat from the shell-side liquid and therefore coming out the tube-side at a higher temperature.



In water purification systems heat exchangers are used in

several applications:

- 
1. To cool the purified water as it circulates through a distribution loop – The pumping power builds up heat in the water, as does passage of the water through sterilizing or TOC removal UVs. A heat exchanger with chilled water circulating through it will keep the process water cool, typically at 70° F, to reduce the growth of bacteria.
 2. To sanitize a distribution loop with hot water – Periodically a purified water distribution loop and storage tank must be sanitized to kill bacteria. This can be done with ozone or chemicals. An alternative is to heat sanitize the system with hot water at 176°F (80°C) minimum. This eliminates chemical handling and the concerns about rinsing chemicals out of the system. The water can be effectively heated and cooled with a shell and tube heat exchanger using steam as the heat source, and chilled water as the cooling source.
 3. To sanitize activated carbon tanks with hot water– Some industries use activated carbon tanks to remove chlorine compounds, organics, and undesirable taste and odor from city water prior to production. An effective method of sanitizing carbon tanks is by circulating hot water at 180°F+ through the carbon bed. A heat exchanger can be used to heat water for carbon sanitization using plant steam as a heat source.
 4. To preheat water for a chemical process – Most chemical processes are more effective when the chemical mixture is heated. This principle is used in almost all CIP (clean-in-place) processes

Phase 1 cont.

FIRE POTENTIAL PLANNING MAPPING (FPP MAP)

Description:

A topographical map of the City within the Urban Growth Boundary (UGB) containing streets and roads. By using various highlight colors to indicate the variant fire potential, also to include various icons with a legend indicating assorted emergency strategic locations such as divisions breaks, drop points, safety zones, look outs, weather stations, supply caches, escape routes, fire breaks, fuel breaks, water sources, landing zones, structures, high volt. power lines, Etc.

Map legend

- ICP indicates incident command post
- FPC indicates fire personal camp
- Red highlighted area indicates higher fire potential
- Yellow highlighted area indicates fire potential
- Green highlighted area indicates low fire potential
 - Blue W indicates water source
 - Orange ----- indicates escape route
 - Brown ----- indicates fuel breaks
 - Black square indicates a structure
 -)(indicates division breaks
 - DP indicates drop point
 - SZ indicates safety zone
 - LO indicates look outs
 - WX indicates weather station
 - SC indicates supply cache
 - LZ indicates landing zone
 - EVC indicates evacuation route
 - XXXX indicates fire break
- PPPP indicates high voltage power lines

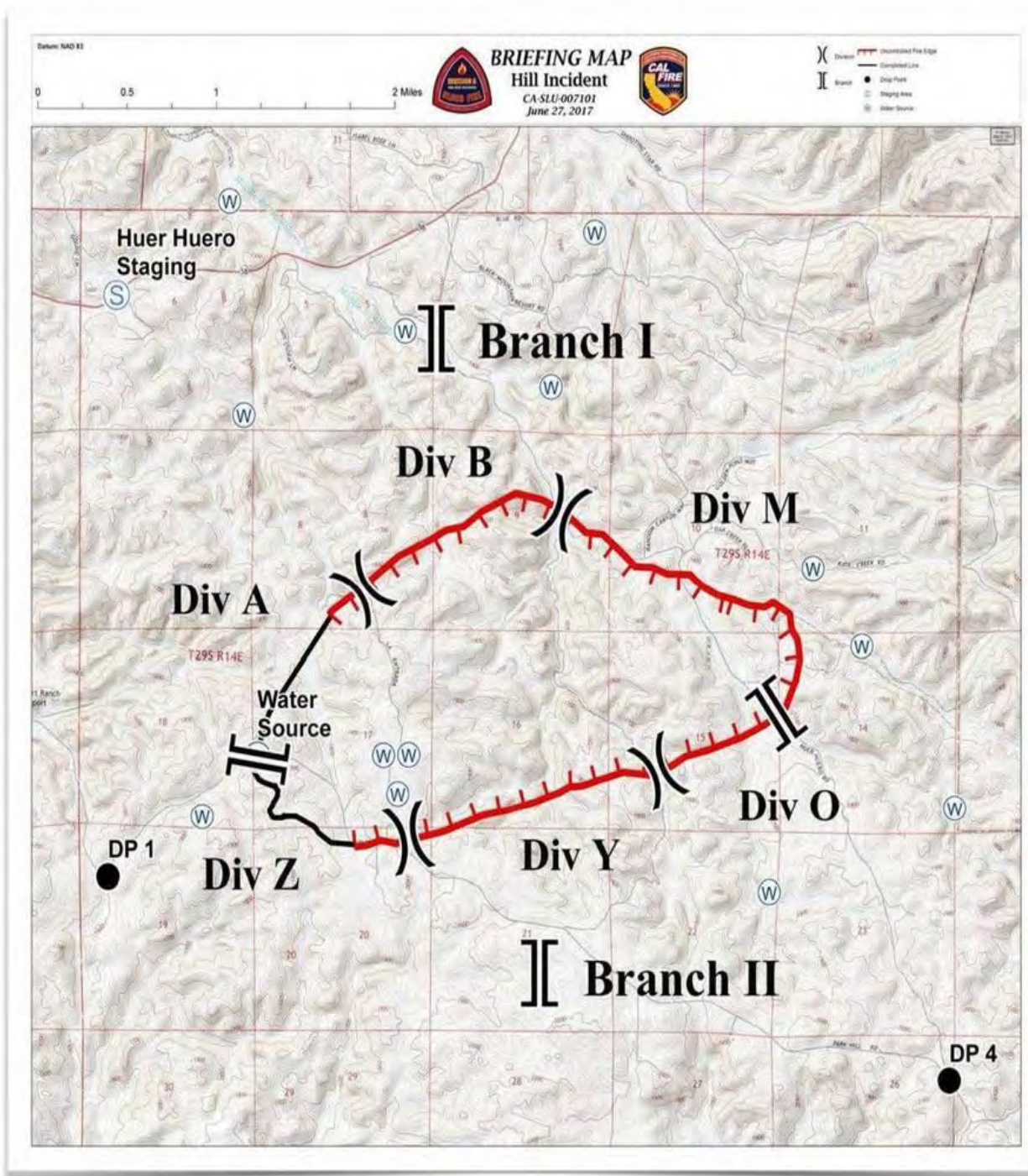
Applications:

Pre-emergency planning in order to coordinate responding resources, including but not limited to The Public, Planning Commission, City Council, City Manager, Fire Chief, Police Chief, Public Works Director, City Employees, Volunteers, Contractors, Etc.

GIS mapping link.

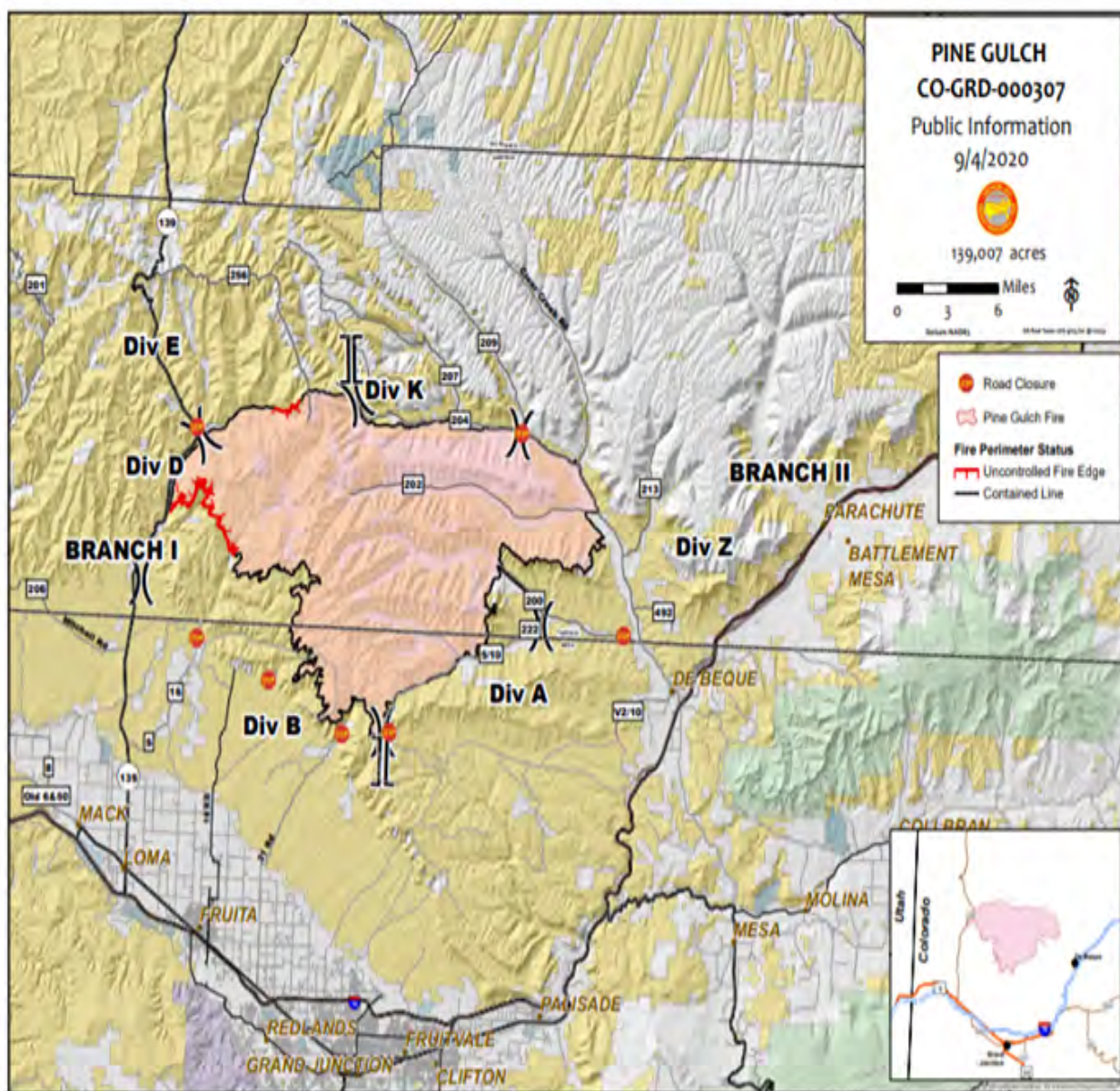
<https://www.esri.com/en-us/home>

Map sample.



Actual fire map.

Map sample.



Actual fire map.

Definitions:

Anchor point: An advantageous location, usually a barrier to fire spread, from which to start building a fire line. An anchor point is used to reduce the chance of firefighters being flanked by fire.

Division: The largest segment of a geographical fire perimeter. A division supervisor is in charge of operational activities with the division. Letters are assigned to describe a division. Divisions are used to divide an incident into geographical areas of operation. Divisions are established when the number of resources exceeds the span-of-control of the operations chief. A division is located with the Incident Command System organization between the branch and the task force/strike team.

Drop point: A place where supplies can be dropped off, field meetings can take place and equipment can be staged.

Escape route: A preplanned and understood route firefighters take to move to a safety zone or other low-risk area, such as an already burned area, previously constructed safety area, a meadow that won't burn, a natural rocky area that is large enough to take refuge without being burned. When escape routes deviate from a defined physical path, they should be clearly marked (flagged).

Evacuation routes: Takes the shortest route. An Evacuation Route Map with at least two routes (if possible). This is most likely the route you normally take to leave your community, as that's typically the shortest and is the route you're most familiar with.

Fire personal camp: A predetermined location for incoming emergency personnel to camp for the duration of an actual wildfire emergency.

When assigned to an incident, a resource (person, crew or equipment), receives support from all of the above command and general staff. Within hours of the set-up of an Incident Command Post, support resources start arriving and, in most cases, a small city is established within 24 to 48 hours so that fire personnel are completely supported within the incident. There are few instances where a fire resource has to go outside the incident structure for anything other than emergency medical care. Fire personnel are expected to work 15-16 hours per day for 14 days (unless extended). Sleeping facilities are, in most cases, individual tents, with separate assigned sleeping areas for crews and overhead support personnel. The Logistics Section (with input from other Command and General Staff) determines the location of all support equipment/facilities. Within minutes, a firefighter or other support personnel can be at the food caterer, supply unit, shower unit, finance, or other support facilities in an ICP. This makes life in camp simple. The difficult times are on the fire line.

Fire break: An existing barrier, man-made or natural, that will stop or slow an oncoming wildland fire. A gap in vegetation or other combustible material that acts as a barrier to slow or stop the progress of a bushfire or wildfire.

Fire line: A linear fire barrier that is scraped or dug to mineral soil.

Fuel breaks: are strips or blocks of vegetation that have been altered to slow or control a fire. Unlike firebreaks, fuel breaks may still burn. The key to remember is that these areas can slow the spread of a fire because they are managed to provide far less fuels to carry the flames.

Fuel Loading: The amount of fuel present expressed quantitatively in terms of weight of fuel per unit area.

Fuel Reduction: Manipulation, including combustion, or removal of fuels to reduce the likelihood of ignition and/or to lessen potential damage and resistance to control.

High volt.; The numerical definition of *high voltage* depends on context. Two factors considered in classifying a voltage as high voltage are the possibility of causing a spark in air, and the danger of electric shock by contact or proximity.

The [International Electrotechnical Commission](#) and its national counterparts ([IET](#), [IEEE](#), [VDE](#), etc.) define *high voltage* as above 1000 V for [alternating current](#), and at least 1500 V for [direct current](#)

Incident command post :

Wildland Fire Incident Command Post: Within 24 to 48 hours of a wildland fire breaking out, a miniature city is built, populated and exists for a singular purpose: Contain that fire.

Incident Command Posts are set up to host, house and maintain firefighters and support the equipment and services that have been assigned to a wildfire or other emergency incident.

ICPs serve as the base for firefighting crews to spread out over the dozens and sometimes hundreds of square miles to battle the blazes, supported by air tankers, helicopters, bulldozers, water tenders and fire engines. Tents serve as offices to direct official business of the wildfire incident — from direction of firefighters on the ground and aerial support, to meals, to supply orders, finance, and health clinics. And smaller tents serve as temporary housing for the firefighters and personnel assigned.



Fire crews unload supplies in August 2013 at the Little Queens Fire Incident Command Post (ICP) in the Boise National Forest near Atlanta, Idaho. (U.S. Forest Service photo)

The Incident Command Post is set up with the following command staff:

INCIDENT COMMANDER; Responsible for all incident activities

SAFETY OFFICER: Responsible for monitoring and assessing hazardous and unsafe situations and ensuring personnel safety on the incident.

INFORMATION OFFICER; Responsible for the formulation and release of information about the incident to the news media, local communities and incident personnel.



Firefighters and personnel gather for the early morning briefing on fire conditions at the Big Windy Complex fire in August 2013 near Galice, Oregon. Several presenters taking turns, bringing people up to speed on the previous night's activities and what the firefighting objectives are for that day. (USDA photo by Lance Cheung)

OPERATIONS SECTION CHIEF; Responsible for the management of all operations directly applicable to the primary mission. The Operations Section Chief has a number of subordinate personnel who are directly involved in fire suppression.

PLANNING SECTION CHIEF (and subordinate staff); Responsible for the collection, evaluation, dissemination, and use of information about the development of the incident, status of resources, and demobilization of the incident.

LOGISTICS SECTION CHIEF (and subordinate staff); Responsible for providing facilities, services, and material in support of the incident (i.e., food caterer, shower units, laundry facilities, toilets, hand-washing stations, etc.).

FINANCE SECTION CHIEF (and subordinate staff); Responsible for all financial, administrative and cost analysis aspects of the incident.



An aerial view of the Lolo Creek Fire Incident Command Post (ICP) in Lolo, Montana. This particular ICP is the temporary home of 794 fire personnel. The helibase is in the large field at the top of the photo at Traveler's Rest State Park with U.S. Hwy 93 in the foreground. (U.S. Forest Service photo)

Landing zone: • 100 feet by 100 feet • Level as possible (maximum slope – less than 5 degrees) • Free of overhead obstructions (e.g. wires, antennas, poles) • Clear of debris and other hazards • Helicopters prefer to land & take off at an angle to the LZ, not straight up & down – be sure to evaluate for hazards in the areas SURROUNDING the LZ • Note any large obstacles in any area seen from the LZ (e.g. cell towers, antennas, water towers, silos, etc.) – be sure to report if they are lighted • Clearly mark the LZ with weighted cones, flares, or beacons (as shown in diagram). Position LZ controller to face helicopter on its approach. • Plan for an alternate LZ in case primary is unsuitable

Look out: Is a place from which to keep watch or view landscape; a person stationed to keep watch for danger or trouble.

Safety zone: Is a location where the threatened firefighter can find adequate refuge from an approaching fire. ... The safety zone is the area where a firefighter can survive without using a fire shelter. The deployment site is used when fire conditions are such that escape routes and safety zones have been compromised.

Structure triage: Is the process of inspecting and classifying structures according to their defensibility or non-defensibility, based on fire behavior, location, construction and adjacent fuels.

Supply caches: A supply of fire tools and equipment assembled in planned quantities or standard units at a strategic point for exclusive use in fire suppression.

Water sources: Lakes, rivers, bays, streams, creeks, ponds, swamps, any other natural, man made storage, stand pipe, hydrant that's been approved by government officials for the purpose of fire suppression to be taken and used according to the operation of the method of with which it is to be used.

Weather stations: Remote Automatic Weather Station (RAWS): An apparatus that automatically acquires, processes, and stores local weather data for later transmission to the GOES Satellite, from which the data is retransmitted to an earth-receiving station for use in the National Fire Danger Rating System.

Weather Information and Management System (WIMS): An interactive computer system designed to accommodate the weather information needs of all federal and state natural resource management agencies. Provides timely access to weather forecasts, current and historical weather data, the National Fire Danger Rating System (NFDRS), and the National Interagency Fire Management Integrated Database (NIFMID).



Phase 2.

Long term preparations overview.

Some of the main factors for large wildfires include; poor coordination between resources, improper communication, inaccessibility, unknown boundaries, habitat concerns, deficient supplies, resources, and other logistical needs. These can all be mitigated with pre planning.

The FPP map becomes populated with assorted emergency strategic locations such as ICP, divisions breaks, drop points, safety zones, look outs, weather stations, supply caches, escape routes, fire breaks, fuel breaks, water sources, landing zones, etc.

All of the sites could be developed for their various uses; equipment and supplies could be gathered and stored in recycled shipping containers, sheds, in or on trailers for easy transport and deployment.

Any progress on fuel mitigation should be scheduled for continual evaluation of condition and continued action of mitigation should stay in motion. Along with further development of maps for use incase of an actual emergency event.

Consider forming a seasonal wildland fire crew, a maintenance crew and / or soliciting contractors for continual maintenance and protection throughout the fire season, as well as determining and sourcing equipment and supplies that resources need to accomplish tasks.

Also consider stocking up on emergency MRE's, potable water stores, fire shelters and bedding for any resources in need at drop points and cache sites. Along with establishing an emergency contract with a sanitary service for sanitation needs for an incident.

Phase 2 cont.

City properties outside of UGB.

The island properties need attention such as; fire lines constructed around the perimeter along with reducing fuels, maintaining a fuel reduction program, preparing fire plans, developing supply caches for remote operations, and use these locations for possible remote weather station sites or other tactical / strategic locations.

Any burn operations should be initiated, coordinated and conducted by fire dept. personal under the supervision of ODF fire if operations are conducted in the ODF protection district.

With wildfires we need to be aware of the impact on habitat especially riparian areas and for drinking water supplies.

Here is some information on wildfire impacts on water resources.

Supporting article.

<https://theconversation.com/us>

THE CONVERSATION

As rain offers a welcome relief to fire-scorched Australia, concerns over flash floods and freshwater contamination cast a shadow on the joy. Already, massive fish kills have been reported due to heavy ash and sediment in local stream.

Local reservoirs and municipal water supplies might become so polluted from the fires that the current water supply infrastructure will be challenged or could no longer treat the water.

Flash floods and water contamination after large-scale wildfires are emerging as real hazards in Australia and many other places, threatening drinking water, ecosystems, infrastructures and recreational activities.

Water supply from forests is at risk

In many ways, this is not surprising. Forests provide water to 90 per cent of the world's most populous cities, and most of these forests already yield degraded water quality. Forests also provide other essential water services like flood control, hydroelectricity, fishing and recreational opportunities.

Our recent global analyses clearly showed Australia's water supply was at high risk from wildfires. We also found areas on every continent except Antarctica face similar risks. In North America, larger and more severe fires have created new challenges for forest and water managers.



The 2015 Stouts Creek Fire in Oregon led to more runoff and erosion. (Kevin Bladon)

Post-fire water hazards

Wildfires can have many detrimental impacts on water supplies. The effects can last for multiple decades and include drinking water pollution, reservoir sedimentation, flash floods and reduced recreational benefits from rivers.

These impacts represent a growing hazard as populations expand, and communities encroach onto forest landscapes.

Looking closer, wildfires change the amount of water that comes from upstream forests and the seasonal timing of water flows. Such changes



complicate water resource allocation as less water might be available during periods of high demand.

When rainstorms follow large and severe wildfires, they tend to flush ash, nutrients, heavy metals and toxins, and sediments into streams and rivers. This contamination from wildfires causes problems for the health of downstream rivers and lakes, as well as safe drinking water production.

Mercury, which can be deposited on leaves and absorbed by plants, is a particular concern. During a fire, mercury may be re-emitted in large amounts and deposited in nearby lakes, wetlands and other water, where it accumulates in the food web, and into fish, that are caught and eaten by people. Indigenous communities living in fire-prone forests in Canada and who already struggle with mercury contamination might be particularly exposed.

Risks in North America

Polluted water creates many expensive, difficult and long-lasting challenges for the drinking water treatment process. For example, water remained difficult to treat for 15 years after after the 2002 Hayman fire in Colorado.

The quality of the post-fire water increased the chances of forming undesirable byproducts of water disinfection. These toxic chemicals had to be removed before the water could be supplied to more than half a million users in Denver.

But most of the fire-prone areas in North America lack large-scale vulnerability assessments of their municipal water supplies — and not because the risks are inconsequential.

In Canada and the United States, one large and severe wildfire might increase drinking water production costs by US\$10 million to US\$100 million. In southern California, mudslides from heavy rainfall after wildfires caused 23 deaths and produced more than US\$100 million of structural damage in 2018.



Boulders moved in the 2018 Montecito mudslide. (WERF, 2018)

The financial burden of these changes is eventually carried by taxpayers. Adopting nature-friendly solutions to reduce severe wildfires in upstream forests, such as prescribed burns under controlled conditions, will lower the bill and provide better protection of water services.

N.F.P.A. link: <https://www.nfpa.org/>

National Interagency Fire Center link: <https://www.nifc.gov/>

Oregon department of forestry link: <https://www.oregon.gov/odf/>

Note: that there are some materials copied and pasted off of the internet from various websites for the use of this proposal and are for reference only.

This proposal was prepared by

Jonathan Mix,

a resident and planning commissioner for the City of Toledo Oregon.

**NATIONAL FIRE PROTECTION ASSOCIATION**

The leading information and knowledge resource on fire, electrical and related hazards

PUBLIC EDUCATION

Public Education / Fire causes & risks / Wildfire / Preparing homes for wildfire

Preparing homes for wildfire

What are the primary threats to homes during a wildfire?

Research around home destruction vs. home survival in wildfires point to embers and small flames as the main way that the majority of homes ignite in wildfires. Embers are burning pieces of airborne wood and/or vegetation that can be carried more than a mile through the wind can cause spot fires and ignite homes, debris and other objects.

There are methods for homeowners to prepare their homes to withstand ember attacks and minimize the likelihood of flames or surface fire touching the home or any attachments. Experiments, models and post-fire studies have shown homes ignite due to the condition of the home and everything around it, up to 200' from the foundation. This is called the Home Ignition Zone (HIZ).

Learn more about how wildfires spread and ignite home in our online course [Understanding the Wildfire Threat to Homes. An overview of fire history, fire basics, and how homes burn.](#)

Get informed



How to prepare your home for wildfire

Get some wildfire risk reduction steps that can make your home safer during a wildfire.

Download the fact sheet.

Como preparar su casa contra incendios forestales

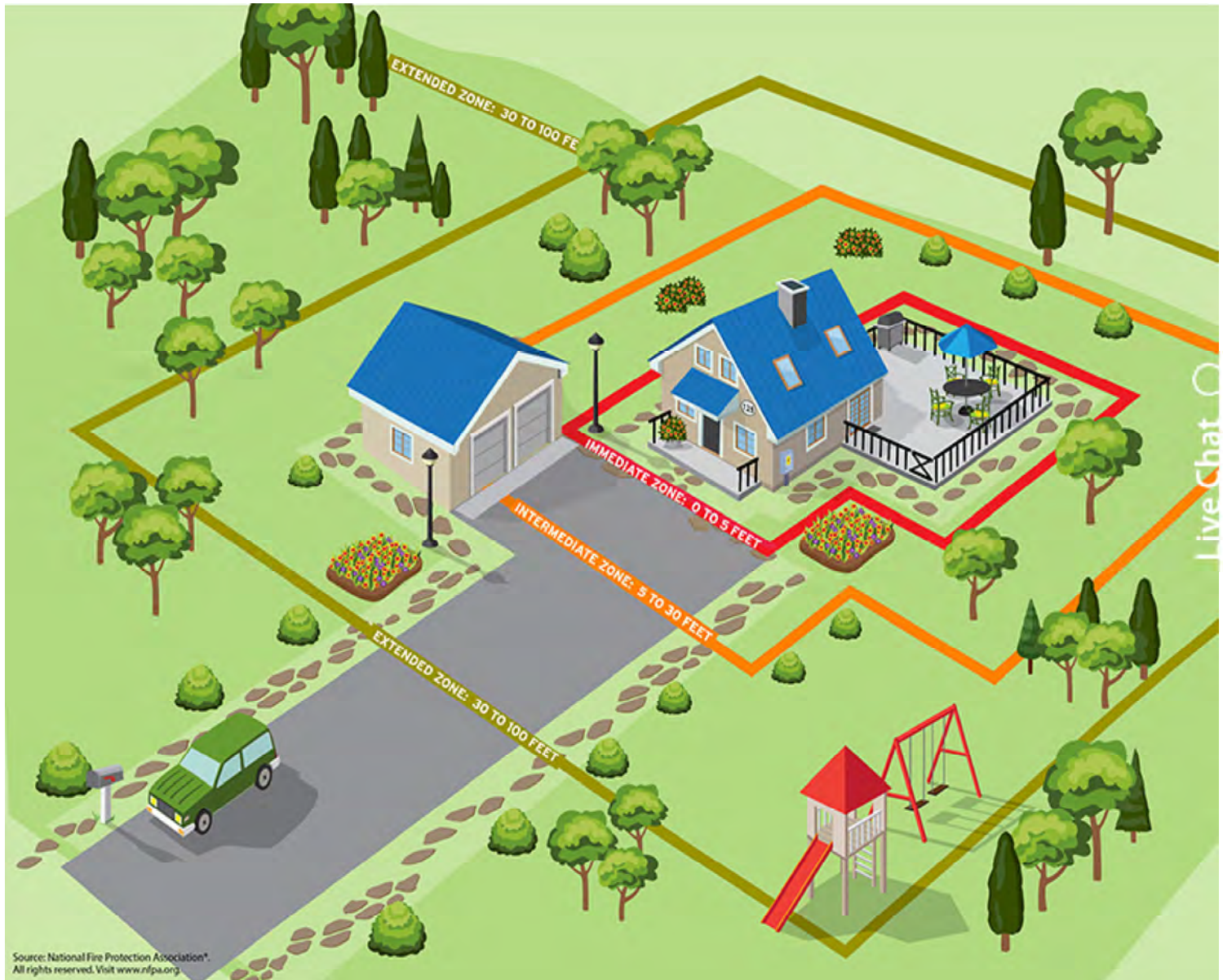
This fact sheet is also available in Spanish.

Download the fact sheet.



What is the Home Ignition Zone?

The concept of the home ignition zone was developed by retired USDA Forest Service fire scientist Jack Cohen in the late 1990s, following some breakthrough experimental research into how homes ignite due to the effects of radiant heat. The HIZ is divided into three zones.



Immediate zone

The home and the area 0-5' from the furthest attached exterior point of the home; defined as a non-combustible area. Science tells us this is the most important zone to take immediate action on as it is the most vulnerable to embers. **START WITH THE HOUSE ITSELF** then move into the landscaping section of the Immediate Zone.

- Clean roofs and gutters of dead leaves, debris and pine needles that could catch embers.
- Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration.

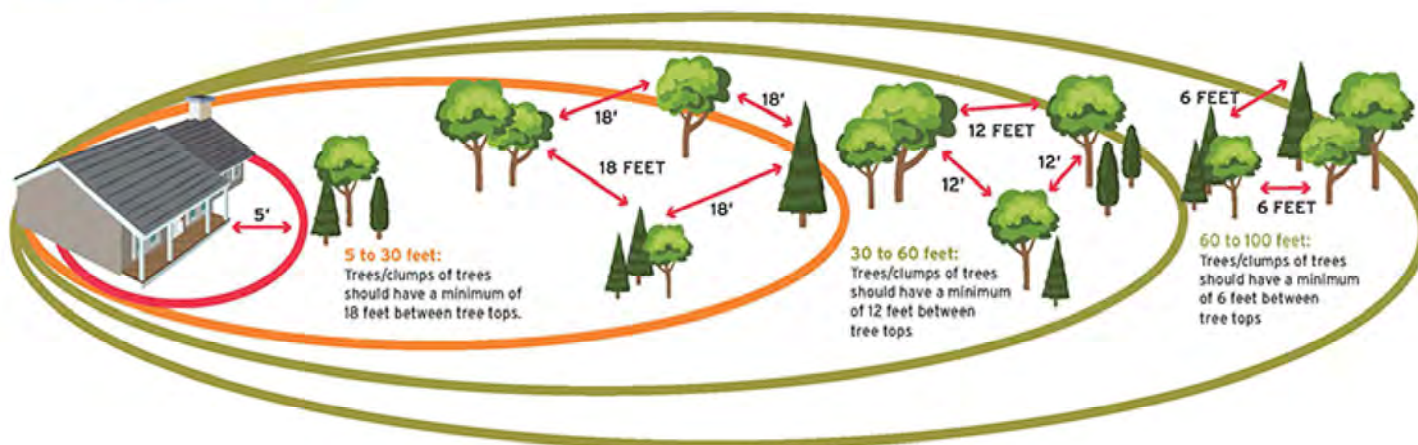
- Reduce embers that could pass through vents in the eaves by installing 1/8 inch metal mesh screening.
- Clean debris from exterior attic vents and install 1/8 inch metal mesh screening to reduce embers.
- Repair or replace damaged or loose window screens and any broken windows. Screen or box-in areas below patios and decks with wire mesh to prevent debris and combustible materials from accumulating.
- Move any flammable material away from wall exteriors – mulch, flammable plants, leaves and needles, firewood piles – anything that can burn. Remove anything stored underneath decks or porches.

Intermediate zone

5-30' from the furthest exterior point of the home. Landscaping/hardscaping- employing careful landscaping or creating breaks that can help influence and decrease fire behavior

- Clear vegetation from under large stationary propane tanks.
- Create fuel breaks with driveways, walkways/paths, patios, and decks.
- Keep lawns and native grasses mowed to a height of four inches.
- Remove ladder fuels (vegetation under trees) so a surface fire cannot reach the crowns. Prune trees up to six to ten feet from the ground; for shorter trees do not exceed 1/3 of the overall tree height.
- Space trees to have a minimum of eighteen feet between crowns with the distance increasing with the percentage of slope.
- Tree placement should be planned to ensure the mature canopy is no closer than ten feet to the edge of the structure.
- Tree and shrubs in this zone should be limited to small clusters of a few each to break up the continuity of the vegetation across the landscape.

TREE SPACING



Extended zone

30-100 feet, out to 200 feet. Landscaping – the goal here is not to eliminate fire but to interrupt fire's path and keep flames smaller and on the ground.

- Dispose of heavy accumulations of ground litter/debris.
- Remove dead plant and tree material.
- Remove small conifers growing between mature trees.
- Remove vegetation adjacent to storage sheds or other outbuildings within this area.
- Trees 30 to 60 feet from the home should have at least 12 feet between canopy tops.*
- Trees 60 to 100 feet from the home should have at least 6 feet between the canopy tops.*

**The distances listed for crown spacing are suggested based on NFPA 1144. However, the crown spacing needed to reduce/prevent crown fire potential could be significantly greater due to slope, the species of trees involved and other site specific conditions. Check with your local forestry professional to get advice on what is appropriate for your property.*

HOME IGNITION ZONE CHECKLIST

SIMPLE STEPS FROM ROOF TO FOUNDATION TO MAKE A HOME SAFER FROM EMBERS AND RADIANT HEAT

- ☐ Clean roofs and gutters of dead leaves, debris and pine needles that could catch embers
- ☐ Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration
- ☐ Reduce embers that could pass through vents in the eaves by installing 1/8 inch metal mesh screening
- ☐ Clean debris from exterior attic vents and install 1/8 inch metal mesh screening to reduce embers
- ☐ Repair or replace damaged or loose window screens and any broken windows
- ☐ Screen or box-in areas below patios and decks with wire mesh to prevent debris and combustible materials from accumulating
- ☐ Move any flammable material away from wall exteriors - mulch, flammable plants, leaves and needles, firewood piles, anything that can burn

...iles - anything that can burn

☐ Remove anything stored underneath decks or porches

VISIT [FIREWISE.ORG](https://www.firewise.org) FOR MORE DETAILS

Image by NFPA, with funding from USDA Forest Service

Questions? [Contact the Firewise team.](#)

How to protect your home



How to Prepare Your Home for Wildfires Brochure (English or Spanish)

The *How to Prepare Your Home for Wildfires Brochure* highlights steps residents need to take to prepare for wildfires.

More Info

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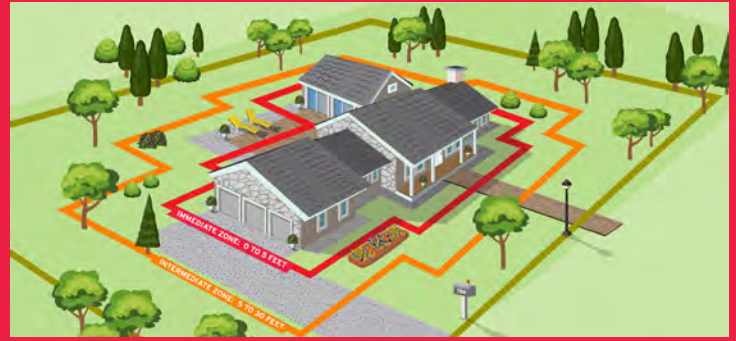
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HOW TO PREPARE YOUR HOME FOR WILDFIRES

WILDFIRE RISK REDUCTION STEPS THAT CAN MAKE YOUR HOME SAFER DURING A WILDFIRE



■ VEGETATION MANAGEMENT

1. HOME IGNITION ZONES

To increase your home's chance of surviving a wildfire, choose fire-resistant building materials and limit the amount of flammable vegetation in the three home ignition zones. The zones include the **Immediate Zone**: (0 to 5 feet around the house), the **Intermediate Zone** (5 to 30 feet), and the **Extended Zone** (30 to 100 feet).

2. LANDSCAPING AND MAINTENANCE

To reduce ember ignitions and fire spread, trim branches that overhang the home, porch, and deck and prune branches of large trees up to 6 to 10 feet (depending on their height) from the ground. Remove plants containing resins, oils, and waxes. Use crushed stone or gravel instead of flammable mulches in the **Immediate Zone** (0 to 5 feet around the house). Keep your landscape in good condition.

■ FIRE RESISTIVE CONSTRUCTION

3. ROOFING AND VENTS

Class A fire-rated roofing products, such as composite shingles, metal, concrete, and clay tiles, offer the best protection. Inspect shingles or roof tiles and replace or repair those that are loose or missing to prevent ember penetration. Box in eaves, but provide ventilation to prevent condensation and mildew. Roof and attic vents should be screened to prevent ember entry.

4. DECKS AND PORCHES

Never store flammable materials underneath decks or porches. Remove dead vegetation and debris from under decks and porches and between deck board joints.

5. SIDING AND WINDOWS

Embers can collect in small nooks and crannies and ignite combustible materials; radiant heat from flames can crack windows. Use fire-resistant siding such as brick, fiber-cement, plaster, or stucco, and use dual-pane tempered glass windows.

■ BE PREPARED

6. EMERGENCY RESPONDER ACCESS

Ensure your home and neighborhood have legible and clearly marked street names and numbers. Driveways should be at least 12 feet wide with a vertical clearance of 15 feet for emergency vehicle access.

- Develop, discuss, and practice an emergency action plan with everyone in your home. Include details for handling pets, large animals, and livestock.
- Know two ways out of your neighborhood and have a predesignated meeting place.
- Always evacuate if you feel it's unsafe to stay—don't wait to receive an emergency notification if you feel threatened from the fire.
- Conduct an annual insurance policy checkup to adjust for local building costs, codes, and new renovations.
- Create or update a home inventory to help settle claims faster.



**TALK TO YOUR LOCAL FORESTRY AGENCY
OR FIRE DEPARTMENT TO LEARN MORE
ABOUT THE SPECIFIC WILDFIRE RISK
WHERE YOU LIVE.**



FIREWISE USA®
RESIDENTS REDUCING WILDFIRE RISKS

VISIT [FIREWISE.ORG](https://www.firewise.org) FOR MORE DETAILS

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Order a Reducing Wildfire Risks in the Home Ignition Zone checklist/poster at [Firewise.org](https://www.firewise.org)

FIRE POTENTIAL MAPPING



Jonathan Mix,
Engin Boss/ Keith Whitehead Reforestation LLC.
City of Toledo Planning Commissioner

April 13, 2021

Cover pg.

FIRE POTENTIAL MAPPING

My fellow Commissioners of The City Of Toledo, as a fire fighter by trade I can't help but look around and see all of the potential for wildfires in and around our fair city. After the extreme fire behavior we witnessed around the country in 2020 and in prior years it's just a matter of time before it is our turn.

Because of this I feel that drafting a map to help with pre-emergency planning and to assist fire responders would be a valuable asset..

Also I have included an updated plan proposal that I submitted to the Council in January for your consideration.

Sincerely,
Jonathan Mix

FIRE POTENTIAL MAPPING

Description:

A map of the City within the Urban Growth Boundary (UGB) using various colors to indicate the variant fire potential, also to include various icons with a legend indicating assorted emergency strategic locations such as divisions breaks, drop points, safety zones, look outs, weather stations, supply caches, escape routes, fire breaks, fuel breaks, water sources, landing zones, structures, high voltage power lines, Etc.

Map legend

- Red indicates higher fire potential
 - Yellow indicates fire potential
- Green indicates low fire potential
 - Blue W indicates water source
- Orange indicates escape route
 - Brown indicates fuel breaks
- Black square indicates a structure
 -)(indicates division breaks
 - DP indicates drop point
 - SZ indicates safety zone
 - LO indicates look outs
 - WX indicates weather station
 - SC indicates supply cache
 - LZ indicates landing zone
 - EVC indicates evacuation route
 - XXXX indicates fire break
- PPPP indicates high voltage power lines

Applications:

Pre-emergency planning in order to coordinate responding resources, including but not limited to The Public, Planning Commission, City Council, City Manager, Fire Chief, Police Chief, Public Works Director, City Employees, Volunteers, Contractors, Etc.



OFFICE OF THE SHERIFF

Sheriff Curtis L. Landers
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Newport, Oregon 97365
(541) 265-4277
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MEDIA RELEASE

FOR IMMEDIATE RELEASE

Date: April 27, 2021

Contact: Virginia "Jenny" Demaris, Emergency Manager
(541) 265-4199
vdemaris@co.lincoln.or.us



WILDFIRE READINESS PRESENTATIONS ANNOUNCED

(04.27.21 - Lincoln County)

[Click this link to view/translate this communication in other languages. Oprim en este enlace para ver/traducir esta comunicaci3n en otros idiomas.](#)

The Lincoln County Fire Defense Board, Lincoln County Sheriff's Office and Lincoln County Public Health are partnering together to prepare our community members, business owners, and visitors on our local wildfire threat conditions, public safety evacuation response procedures, and efforts individuals can take to be ready for wildfire season.

May 1st is Wildfire Community Preparedness Day; this is a great day to develop a list of the items you can do around your home or property for wildfire mitigation.



Over the next several weeks you will see that many of our state partners have already or will be kicking off wildfire readiness programs. We will try to share these when they are referred to us and post on our local "[What's happening now](#)" webpage.

Locally, due to continued physical distancing, our outreach campaign will be offered in a virtual format until we can be with you again for in person events. We are expanding our 2-hour Lincoln County Wildfire Readiness presentation into six modules and adding an additional session for each Fire District/Department of Lincoln County. These sessions, split up into modules will give more flexibility to our community members to pick and choose those sessions of most interest to them.

Lincoln County Sheriff's Office

[facebook](#) | [twitter](#) | [website](#) | [emergency alerts](#) | [media releases](#)

Media Release – Wildfire Readiness Presentations Announced

April 27, 2021

Page 2 of 4

Wildfire Readiness Community Presentations - Virtual:

All presentations are scheduled from 7-8pm; the recordings and presentation slides will be posted to the [website](#) for access.

Wildfire Readiness Modules - 2 Sessions Each				
Module	Description	Session #01, 7-8pm	Session #02, 7-8pm	Virtual Access
Module 1	Financial Protection, Business Preparedness	Monday, May 3, 2021	Wednesday, May 12, 2021	Virtual Connection, Recordings of Sessions - Click Here
Module 2	Animal Preparedness (Pets & Livestock)	Wednesday, May 5, 2021	Monday, May 10, 2021	
Module 3	Property Protection by Understanding Wildfire Risk	Monday, May 17, 2021	Wednesday, May 26, 2021	
Module 4	Emergency Notifications & Evacuation Processes	Wednesday, May 19, 2021	Monday, May 24, 2021	
Module 5	Sheltering - American Red Cross and Sheltering for Medically Fragile Community Members	Wednesday, June 2, 2021	Monday, June 7, 2021	
Module 6	Air Quality Considerations, Access & Functional Needs Persons Preparedness	Wednesday, June 9, 2021	Monday, June 14, 2021	

Fire District/Departmental Sessions		
Local Fire District Overview, Fire Restrictions, Seasonal Fire Precautions		
District Area	Date/Time 7-8pm	Virtual Access
Depoe Bay	Monday, June 21, 2021	Virtual Connection, Recordings of Sessions - Click Here
Newport	Tuesday, June 29, 2021	
North Lincoln	Wednesday, June 16, 2021	
Seal Rock	Tuesday, June 22, 2021	
Siletz	Wednesday, June 30, 2021	
Toledo and East Co.	Monday, June 28, 2021	
Waldport	Tuesday, June 15, 2021	
Yachats	Wednesday, June 23, 2021	

The presentations will incorporate specific topics to assist in the planning, mitigation, response, and recovery from wildfire events for both our rural and city neighborhood areas.

- Wildfire history and seasonal fire conditions
- How to prepare your home, property, & family
- Evacuation Levels (Be Ready, Be Set, Go Now)
- What to expect if you receive an evacuation order
- Assistance after you evacuate
- How to minimize health effects of smoky conditions

Sheriff Landers remarked, “Coordinating evacuations of neighborhoods for Lincoln County is not a regular occurrence for our public safety agencies. The North County devastating wildfires from last September showed us how extremely important these readiness events are to make sure our community members are ready to pack up their valued belongings, pets, and family members, and leave their homes quickly. These wildfire readiness events are the best way we, as public safety officials, can educate our community members of the three evacuation levels, what to expect when they receive a call from Lincoln Alerts to “GO NOW” or when a Deputy knocks on their door to notify them of a wildfire threat and the best route to take to safety. Our Sheriff’s Office has worked hard to mirror our evacuation directions, public messaging and notification processes of our sister counties who experience these conditions every year”.



Chief Rob Murphy, Lincoln County Fire Defense Board Chief remarked “Wildfire threat is not just a risk for rural areas of Lincoln County; each property owner should take the time to look at their yards and properties and build a defensible space to protect their homes and structures. Lincoln County is generally considered to have a lower threat for wildfire compared to other central and eastern counties. However, with our expected seasonal weather conditions, our local risk increases. Our cooperation as a community to reduce our fire risk, adhere to fire safety rules and stay aware of current conditions are some of the important steps community members can do to protect themselves and assist public safety with seasonal wildfire risk reduction.”



Lincoln County Emergency Manager, Jenny Demaris, remarked “Working hand in hand with our public health, fire, and law enforcement partners for emergency evacuation is critical to ensure public safety. As representatives of public health emergency preparedness, we take care to:

- consider the requirements of community members with access and functional needs in our evacuation planning efforts.
- ensure shelters are available for displaced persons.
- provide educational resources to minimize the health effects from anticipated smoky conditions.”



Public Health
Prevent. Promote. Protect.

Lincoln County

Additional Resources:

Many of our cooperating partners are also providing community preparedness campaigns:

- Keep Oregon Green - [Keep Oregon Green](#)
- Oregon State University Extension Service - [Wildfire Wednesdays](#)
- Oregon State Fire Marshall's Office – [Wildland Urban Interface](#)
- Oregon Department of Forestry – [Fire Prevention](#)
- Oregon Health Authority – [Prepare for Wildfire/Reducing Health Effects of Wildfire Smoke](#)
- Oregon Emergency Management – [Oregon Wildfire Response](#)
- National Fire Protection Agency – [Wildfire Community Preparedness Day](#)



If you are unable to attend one of the sessions or want additional information you can check out our Wildfire Readiness page at <https://www.co.lincoln.or.us/emergencymanagement/page/seasonal-hazards-wildfire> .

###

Respectfully submitted,

Virginia "Jenny" Demaris

Lincoln County Sheriff's Office

Emergency Management Division

Office Phone: 541-265-4199

Lincoln County Call Center: 541-265-0621

Email: vdemaris@co.lincoln.or.us

Website: <https://www.co.lincoln.or.us/emergencymanagement>

Facebook: <https://www.facebook.com/lcemergencymanagement>

Lincoln Alerts – Emergency Notifications: www.co.lincoln.or.us/alerts

Media Releases - <https://www.flashalert.net/id/LCSO>

Language Translation Options:

- Sheriff's Office Media Releases via Flash Alert – go to the very upper right-hand corner of the website for translation options.
- Lincoln County Website – go to the very bottom right-hand corner of the website for translation options.

