

Toledo City Hall  
Council Chambers  
206 N Main St. Toledo OR  
October 8, 2025  
6:30 pm

## AGENDA

### TOLEDO PLANNING COMMISSION

**The Planning Commission will hold an in-person meeting in City Hall Council Chambers.**

Participants can also attend the meeting through the Zoom video meeting platform. Email [planning@cityoftoledo.org](mailto:planning@cityoftoledo.org) or call 541-336-2247 ext. 2130 to receive the meeting login information. Participants can also visit [www.cityoftoledo.org/meetings](http://www.cityoftoledo.org/meetings) for meeting details.

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 SEPTEMBER 10, 2025 MINUTES as circulated and reviewed by the Planning Commission
4. PUBLIC HEARING: Annex property into the City limits and rezone from County R-1 to City Public Lands (File #AX-1-25/RZ-1-25), for property located at 2054 SE Ammon Road, requested by property owner City of Toledo
5. DISCUSSION ITEMS:
  - a. Traffic Calming Review
  - b. Planning Commission Meeting Time
  - c. Updates and Reports
6. STAFF COMMENTS
7. COMMISSIONER COMMENTS
8. 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](mailto: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 by Vice President Brian Lundgren at 6:30 pm. Commissioners present: Anne Learned-Ellis, Ricky Dyson, Jonathan Mix, and Dennis Sutherland. Excused was by President Cora Warfield.

Staff present: Contract Planner (CP) Justin Peterson and Planning Assistant Arlene Inukai.

VISITORS: Tracy Mix

### APPROVAL OF THE AUGUST 13, 2025 MINUTES:

It was moved and seconded (Learned-Ellis/Mix) to approve the August 13, 2025, minutes as circulated and reviewed by the Planning Commission. The **motion passed 3-0**, with Learned-Ellis and Dyson abstaining and noting the absence of Warfield.

### DISCUSSION ITEMS: Traffic Calming Introduction:

CP Peterson reviewed the background of this discussion, noting that the City Council recently received citizen concerns for speeding/safety issues and had requested speed bumps to reduce speeds. The Council does not have a process to review this type of request and they asked the Planning Commission to establish a procedure to address the requests. The goal would be to create a process for citizen-initiated requests to be reviewed by staff, Planning Commission or City Council. Commissioners reviewed the various options used to reduce speed. CP Peterson presented several questions to guide the discussion in order to provide future policies, summarized below:

- Traffic counts would be helpful for the affected area.
- Devices could vary, depending on the location, street width, grade, etc. Possible options could range from speed bumps, speed humps, bulb-outs at intersections, signs, etc.
- Road classification, such as collector roads, would need to be considered. Road jurisdiction/authority must be reviewed.
- Neighborhood consensus, with 51% of the area or more than 5 neighbors, would show the need and support of the request.
- Reviewed processes from two other Oregon communities as an example.
- Enforcement needs to be considered and discussion with law enforcement agencies should occur in order to be eligible.
- Neighborhood surveys would be beneficial. Supporters could be either property owners or tenants. Both should be able to sign a petition to show support of the request. The City should create a general form for submittal. Neighbors would sign the form, petition, or survey.
- Information and the request should be submitted to staff with a checklist of items to include. The request could then be discussed by staff and to determine if the request is eligible for further review and then going to either the Planning Commission or City Council. If the City Council establishes a fund to finance the traffic calming projects, the Planning Commission could approve. However, if the funds are not pre-set, the City Council has to approve the

special funding for each project.

City Councilor Tracy Mix noted that if the item is a budget issue, it must go to the City Council. At this point the Council has not adopted funds for traffic calming devices. If the funds are established, it could be a permit program through staff and Planning Commission. The City Council gets a lot of tasks and if this issue can be addressed by staff/Planning Commission, the Council could focus on other issues.

- Would want to limit the features to certain streets and areas. Need to consider owner responsibility vs. City. Also, how would the projects be funded--as a grassroots effort from neighborhood fundraising, annual dedicated budget funds, grants, etc.
- Drainage would need to be addressed and street work must meet public design standards. Signage is also needed for the project sites.
- More police enforcement in the problem areas would also help the situation.

CP Peterson reported he could start drafting a document for review at a future meeting. This could include an application form and petition document. If the Council/Budget Committee address the budget needs next spring or through a supplementary budget, the requests could be considered by the Planning Commission.

STAFF COMMENTS: None.

COMMISSIONER COMMENTS:

Commissioner Sutherland asked for updates on two projects occurring on Bus. Hwy 20, one across from Burgess Road and one at Radio Court. CP Peterson reported that both sites will be reviewed with the code enforcement officer, as there are no new permits.

Commissioner Learned-Ellis announced the annual dog parade on October 11<sup>th</sup>. It was also noted that the garlic festival will be held the same day at Memorial Field.

There being no further business before the Commission, the meeting was adjourned at 7:25 pm.

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Planning Assistant

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Vice President

**TOLEDO PLANNING COMMISSION  
STAFF REPORT**

**PROPERTY:** Lincoln County Assessor’s Map # 11-10-16 CB Tax Lot 2000

**APPLICATION #:** AX-1-25/RZ-1-25

**APPLICANT:** City of Toledo

**OWNER:** City of Toledo

**APPLICATION DATE:** August 20, 2025

**HEARING DATES:** Planning Commission: October 8, 2025  
City Council: November 5, 2025

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

**LOCATION:** 2054 SE Ammon Road, Toledo OR

**LOT SIZE:** Approximately 0.89 acres plus a portion of adjacent Right-of-Way (ROW)

**STAFF REPORT:**

**I. REPORT OF FACTS:**

1. Plan Designation: Current - UGB Public Lands  
Proposed – Public Lands
2. Proposed Zone Designation: Current – County Residential (R-1)  
Proposed – Public Lands
3. Existing Structures: Tax Lot 2000 has an existing water storage tank.
4. Topography: The property generally slopes downhill to the west.
5. Development Constraints: The subject property is sloped.
6. City water: The subject property is connected to city water. The Ammon Water Storage tank is located on the property.
8. City sewer: The subject property is not connected to city sewer.
9. Development Standards: The Public Lands development Standards are listed in TMC 17.36.
10. Notice of Public Hearing: Notices mailed to 15 property owners and 19 public/service

agencies on September 18, 2025. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on August 27, 2025, at least 35 days before the first evidentiary hearing in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and at least 35 days before the first evidentiary hearing in accordance with TMC 19.20.040(B)(4).

- 11. Notice Published: September 24, 2025, and October 1, 2025
- 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.

13. Staff Report Attachments:

- A. Application and Consent to Annex
- B. Site Plan Map
- C. Comprehensive Plan Map
- D. Draft Ordinance

## **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 the 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)(a) Except as provided in paragraph (b) of this subsection, 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 purposes 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.
    - (b) For purposes of paragraph (a) of this subsection, a proposal for annexation initiated by the legislative body of a city may provide for a duration of not more than 20 full fiscal years.
    - (c) 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 may the proposal provide for a rate

of taxation for city purposes in the annexed territory that exceeds the highest rate of taxation for city purposes applicable to other property in the city for the current year.

(d) If the annexation takes place pursuant to 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 that the proposal authorizes for that fiscal year.

(e) Notwithstanding paragraph (d) of this subsection, during the term of fiscal years provided for pursuant to paragraph (b) of this subsection, the ratio shall be 100 percent for property that is sold or transferred to new ownership, beginning with the first property tax year that begins after the sale or transfer.

(4)(a) 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.

(b) Notwithstanding paragraph (a) of this subsection, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465.

(5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

(6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.

(7) Two or more proposals for annexation of territory may be voted upon simultaneously, but in the city, each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation, no proposal for annexing other territory may appear on the ballot.

**Sections (3), (4), (5), (6) and (7) are permissive or not applicable criteria, so do not need to be satisfied 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 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. ORS 222.155 Annexation Contracts states that:

A contract between a city and a landowner containing the landowner's consent to eventual annexation of the landowner's property in return for extraterritorial services:

- (1) Must be recorded; and
- (2) When recorded, is binding on successors in interest in that

4. 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.

5. Consistency with the 2023 Toledo Comprehensive Land Use Plan.

**B. REZONE REQUEST**

1. The 2023 Toledo Comprehensive Land Use Plan-Goal 3, Policy 6 (Page 24). 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. Future boundary amendments shall utilize property lines whenever possible to facilitate boundary management and site developments.
2. Toledo Municipal Code Section 17.80.040 – Quasi-judicial amendments to maps. Quasi-judicial map amendments are those map amendments which require discretion in applying existing standards or criteria to a request. The approval authority for quasi-judicial amendments shall follow the Type III land use procedure as set forth by ordinance and the approval authority shall be as follows:
  - A. The planning commission shall decide zoning map changes which do not involve comprehensive plan amendments;
  - B. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide such applications; and
  - C. The planning commission shall make a recommendation to the city council on a zoning map application which also involves a comprehensive plan map amendment application. The city council shall decide both applications.

3. 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.
  
4. TMC Sections 17.36.010 – 17.36.040 – Public Lands (P-L) Zone.

TMC 17.36.010 Purpose.

The purpose of the P-L zone is to implement the Toledo Comprehensive Land Use Plan by indicating lands currently providing areas to benefit the public, regardless of ownership of the lot or parcel, and used for a public use such as schools and parks acknowledging that such lands may be put to a variety of uses.

TMC 17.36.020 Uses permitted outright.

In a P-L zone, the following uses and their accessory uses are permitted outright:

- A. Uses existing at the time of passage of the ordinance from which this chapter is derived and the expansion of those uses are permitted outright.
- B. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the city Transportation System Plan).

TMC 17.36.030 Conditional uses permitted.

- A. Any other use necessary to benefit the public.
- B. A residential and/or commercial mixed use may be conditionally allowed as an accessory structure or use, in addition to a public use, if incidental and subordinate to the public use.

5. 2023 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.

Public Lands - This designation is intended to indicate lands currently providing areas to benefit the public, regardless of ownership of the lot or parcel, and used for a public use such as schools and parks acknowledging that such lands may be put to a variety of uses.

## 6. The 2023 Toledo Comprehensive Land Use Plan

### Article 1 Citizen Involvement:

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

### Article 11: Public Facilities and Services

Goal 3. Provide safe and reliable water in an orderly and efficient manner to the citizens of Toledo and as a water purveyor to regional or local water agencies that enter into contracts with the City of Toledo.

Goal 5 Policy 1. Adequacy of Facilities. Ensure the adequacy and quality of Toledo's raw water resources, water treatment facilities and distribution system, and treated water storage facilities.

### 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. 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.

## **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 October 1, 2025, 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 (City of Toledo).
2. The proposed annexation is for Lincoln County Assessor's Map # 11-10-16 CB Tax Lot 2000 also known as 2054 SE Ammon Road, Toledo OR and a portion of the adjacent ROW.
3. The proposed annexation and rezone request meets the requirements set forth in the 2023 Toledo Comprehensive Land Use Plan. There is a public need for the amendment, and that the need

cannot reasonably be met by any other method.

4. 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.
5. 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 2023 Toledo Comprehensive Land Use Plan map by annexation only. The designation of the property by plan is Public Lands. 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 the process of rebuilding the Ammon Water Storage Tank.
6. The City of Toledo, as the owner of the property located at Lincoln County Assessor's Map 11-10-16 CB Tax Lot 2000 on August 20, 2025, submitted a request to annex 0.89 acres and a portion of the adjacent ROW of property into City limits of Toledo. See Staff Report Attachment 'A' (Application and Consent to Annex). The property owners have also requested a rezone to City Public Lands (P-L) 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.
7. 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 October 8, 2025, Planning Commission hearing and the November 5, 2025, City Council hearing.
8. Tax Lot 2000 is zoned Residential (R-1) by Lincoln County. All of the adjacent properties are within the Urban Growth Boundary (UGB) or City limits. See Staff Report Attachment 'C' (Comprehensive Plan Map). Note that Tax Lots 102, 101, 100, and 2000 are the last tax lots within the UGB in this portion of the city.
9. The properties immediately to the north, west, and east are zoned UGB Medium Density Residential. The properties to the south on the south side of Ammon Road are zoned R-G. See Staff Report Attachment 'C' (Comprehensive Plan Map).
10. Tax Lot 2000 is 0.89 acres in size. Tax Lot 2000 currently has the city Ammon Road water tank. The tank provides 1 Million Gallons of treated water for the city's distribution system.
11. City sewer is not currently available adjacent to the site. City sewer is not anticipated to be required for the proposed continued use as a water tank.

12. Access to this tax lot is from SE Ammon Road. SE Ammon 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. The Ammon Road Water Tank was built in the 1970s. The structure will be rebuilt/replaced, financed through the voter approved bond measure passed in 2024. The project is still in the design phase and all the proper permits will be submitted at the time of reconstruction.
13. The subject property will be zoned Public Lands (P-L) after the annexation and zone change. The development standards in the P-L zone are listed in TMC 17.36. The proposed P-L zoning allows certain uses as outlined in TMC 17.36. As stated above the existing use would be considered public works/public lands and is not an approved residential use. “Uses existing at the time of passage of the ordinance from which this chapter is derived and the expansion of those uses are permitted outright” (TMC 17.36.020). Therefore, the continuation and improvement of the water tank would be considered an outright permitted use.
14. The Lincoln County zoning is R-1 which allows a number of uses. The P-L Designation is more aligned with the properties historic use as a water storage tank.
17. The City of Toledo submitted a preliminary Boundary Change Notice to the Department of Revenue (DOR) to verify that the information would be accepted by the DOR. As of October 1, 2025 DOR has not submitted comments on the preliminary review.

**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 October 8, 2025 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 2023 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.

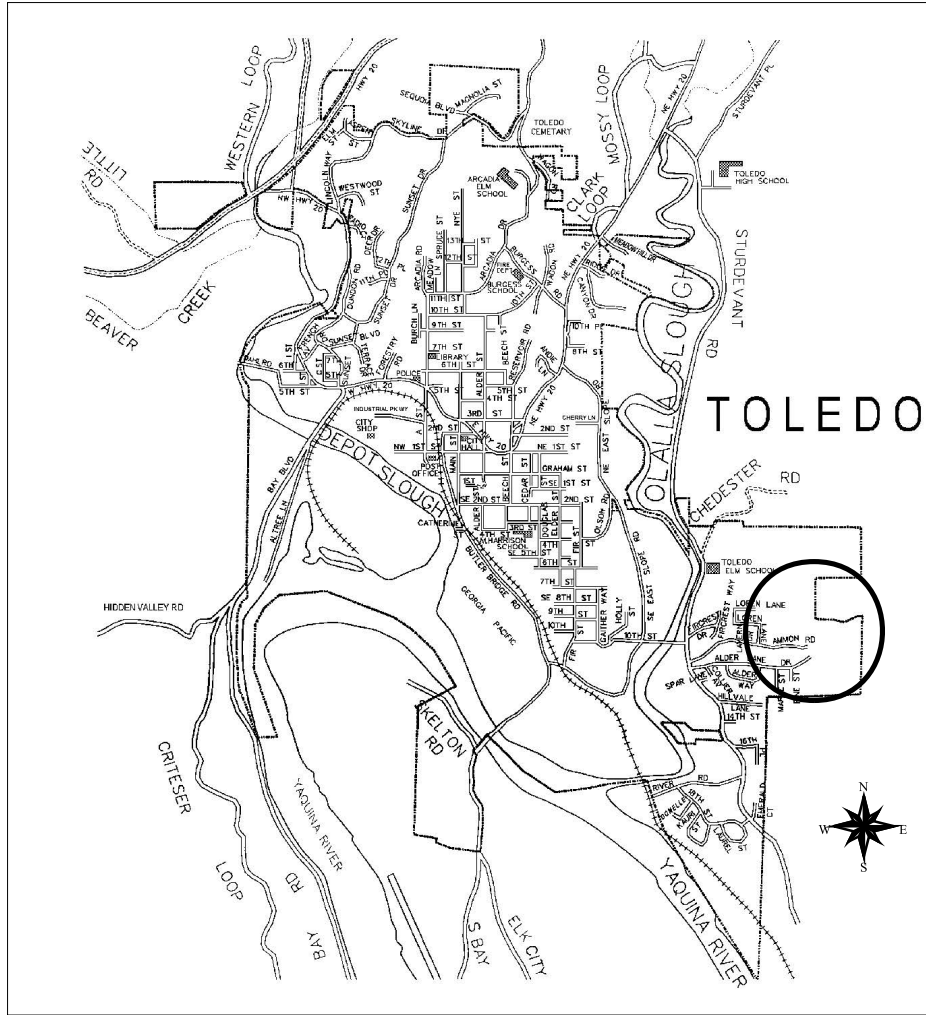
**V. CITY COUNCIL ROLE:**

The City Council reviews the recommendation from the Planning Commission and will make the final decision on the annexation and rezone.

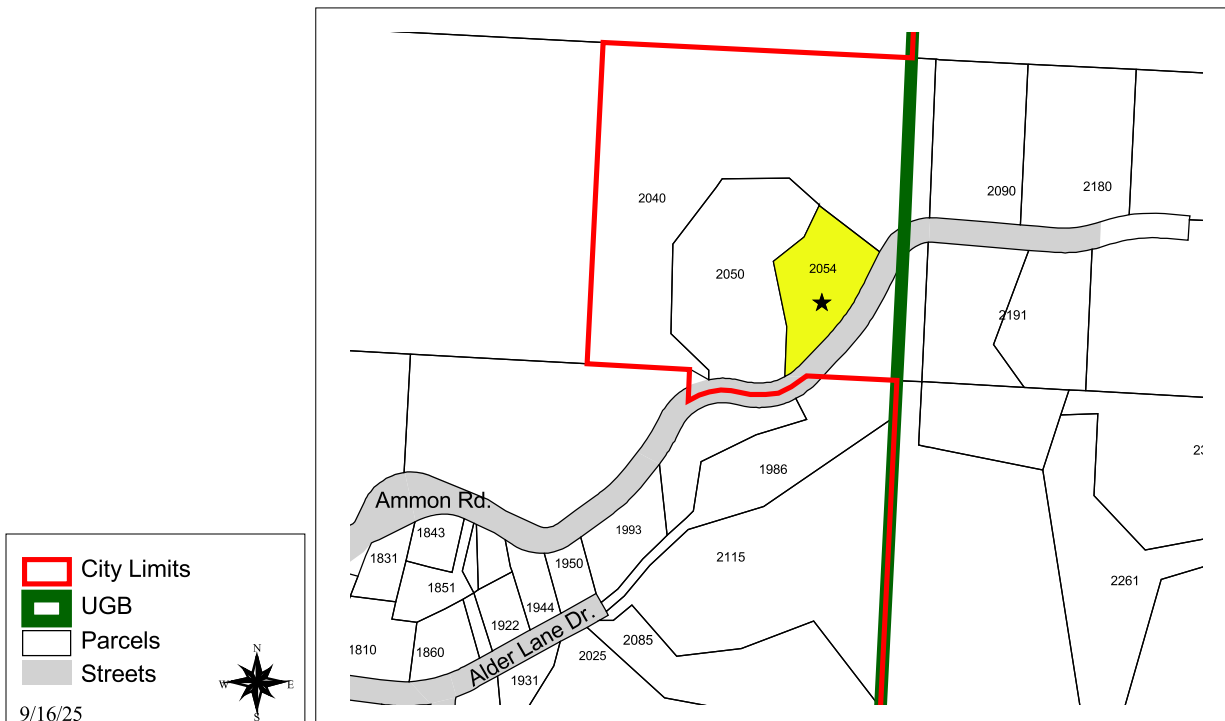
At the public hearing, the City Council should evaluate the applicant's proposal and all testimony presented to them in order to make findings which demonstrate that the criteria in the Comprehensive Plan can be satisfied. The decision of the City Council should be based on the testimony received by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

Justin Peterson  
Contract Planner

# Location Map



# Site Map



# ATTACHMENT A

## Application and Consent to Annex

(City of Toledo File #AX-1-25/RZ-2-25)

### LAND USE APPLICATION



Date August 21, 2025

Property Owner City of Toledo  
Mailing Address PO Box 220  
Toledo OR 97391

Telephone 541-336-2247  
Email manager@cityoftoledo.org

Authorized Agent David Clyne, City Manager  
Mailing Address PO Box 220  
Toledo OR 97391

Telephone 541-336-2247  
Email manager@cityoftoledo.org

Property Address Ammon Road  
Property Location \_\_\_\_\_  
Assessors Map No. 11-10-16 CB

Property Size .89 ac  
Tax Lot No. 2000

Present Zoning County R-1  
Comprehensive Plan Designation Public Lands  
Current Use of Property City of Toledo water storage tank  
Existing Structures (if any) Water tank

Proposed Change City P-L

Proposal for which this request is being made (attach additional sheets if needed) \_\_\_\_\_  
Annex 11-10-16 CB Tax Lot 2000 into City limits and rezone from Lincoln County R-1 Zone to  
City of Toledo P-L Zone. The property is approx. .89 acres, including a portion of public right-of-way,  
and provides water storage for the City of Toledo water distribution system.

#### 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 and how the request meets the decision criteria.
- Supplemental information form (if required).
- Application fee.

<input checked="" type="checkbox"/> Annexation/Rezone (\$1,500)*	Expedited Land Division (\$2,000)*	Riparian Modification Permit (\$200)
Appeal, Land Use Misc (\$535)*	Lot Line Adjustment (\$135)	Similar Use, Planning Comm (\$535)
Appeal, Type II (\$260)*	Modification of Approval (75% of fee)	Subdivision (\$930+\$20/lot)*
Appeal, Type III (\$535)*	Partition, Major (\$930)*	UGB Amendment (\$2,660)
Code Amendment (\$930)	Partition, Minor (\$535)*	Vacation (\$2,000)*
(if requires M56 notice \$930+mailing)	Planned Unit Development	Variance, Type I (\$65)*
Comp. Plan Amendment (\$930)	(\$930+\$20/unit)*	Variance, Type II (\$260)*
(if requires M56 notice \$930+mailing)	Replat, Major (\$930)	Variance, Type III (\$535)*
Code Interpretation, official (\$170)	Replat, Minor (\$535)	Zone Change (\$930)
Conditional Use (\$535)	Restrictive Lot Line Covenant	
Exception to Statewide Goal (\$2,660)	(\$100+admin fee)	

\*Supplemental forms are required

If filing multiple Land Use Applications, the highest tier 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 \_\_\_\_\_ By \_\_\_\_\_ Fee Paid \_\_\_\_\_ Complete Application Date \_\_\_\_\_ 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, City Manager, or designee and I am fully aware of my responsibilities as the applicant. A pre-application meeting with City staff was held on or around \_\_\_\_\_.

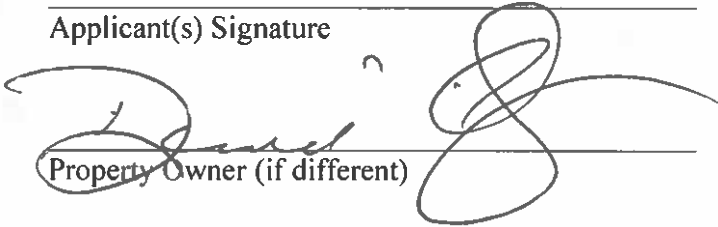
- I understand that the Planning Commission will hold a public hearing for this application (Type III)  yes
- I understand that the City Council will hold a public hearing for this application (Type IV)  yes
- I understand that this is a City of Toledo staff-level decision (Type I and Type II)  yes
- Other \_\_\_\_\_  yes

\_\_\_\_\_

\_\_\_\_\_

Applicant(s) Signature

Date

  
Property Owner (if different)

  
Date

\*\*\*For Office Use Only\*\*\*

**Public Works**

1. Is City sewer available? Yes N/A No         
Where \_\_\_\_\_  
Will a connection have to be constructed? Yes        No         
What size of a line is required \_\_\_\_\_
2. Is City water available? Yes N/A No         
Where \_\_\_\_\_  
Meter size \_\_\_\_\_  
Estimated installation cost \_\_\_\_\_
3. Are there any public works improvements necessary? Yes        No ✓  
If yes, describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Is there proper access? Yes N/A 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. Are stormwater improvements needed? Yes        No ✓  
If yes, describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Is an erosion control plan needed? Yes N/A No
7. Is a plan review by Public Works required? Yes        No ✓
8. Is this application ready to be approved? Yes ✓ No         
Explain modifications or revisions needed for the application \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REVIEWED AND APPROVED BY:

Brian Lorimer  
Public Works Director

9/18/2025

Date

**Fire Department**

1. Does the proposal meet the safety requirements of the IFC? 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:

*[Signature]*  
Fire Chief

*10-1-25*  
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:

*Michael Pace*  
Chief of Police

09/23/25  
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:

City Planner

Date

CITY OF TOLEDO  
 BOOK 272, PAGE 397  
 TAX LOT 2000  
 0.92 ACRES +/-

AMMON ROAD (50')

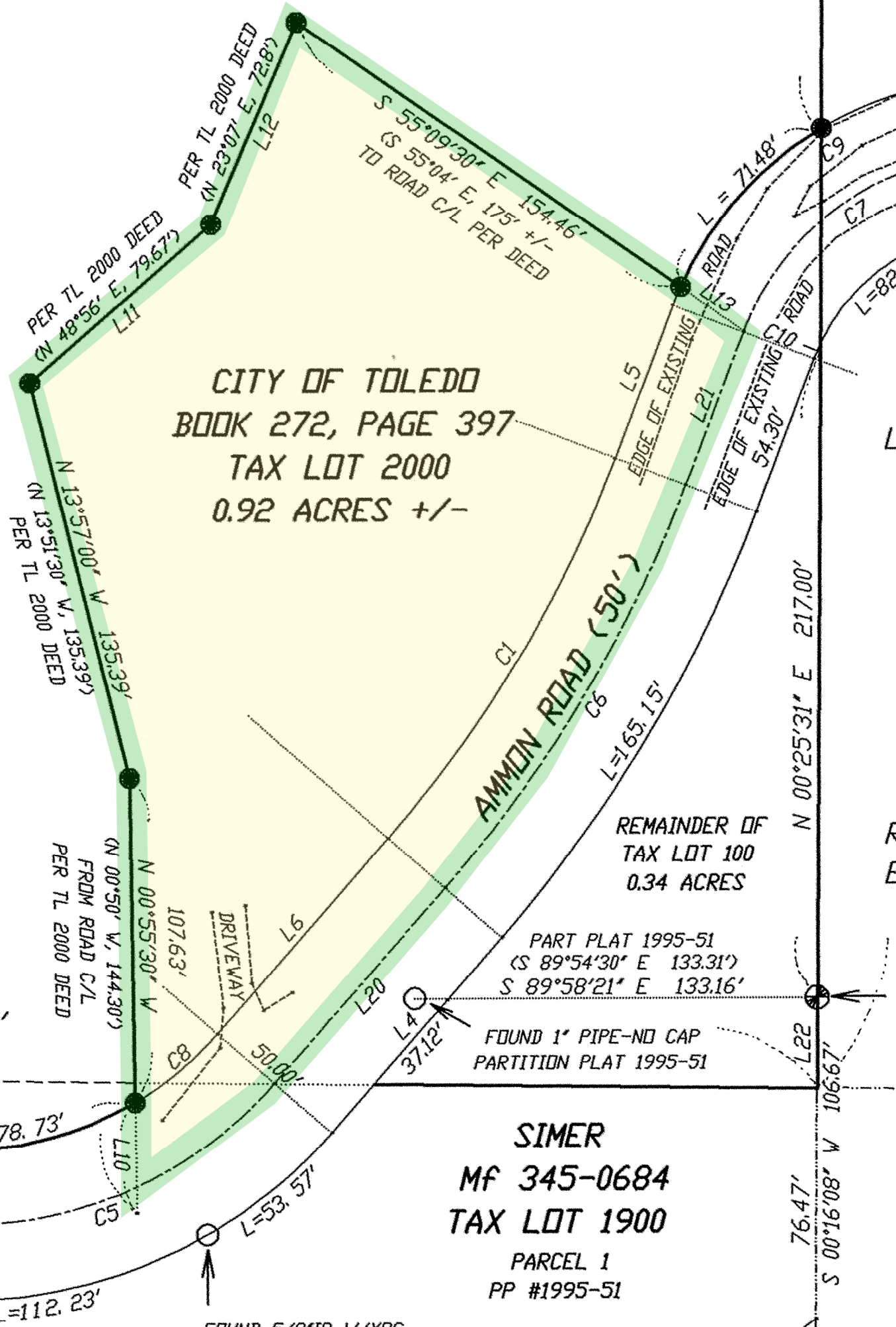
REMAINDER OF  
 TAX LOT 100  
 0.34 ACRES

PART PLAT 1995-51  
 (S 89°54'30" E 133.31')  
 S 89°58'21" E 133.16'

FOUND 1" PIPE-NO CAP  
 PARTITION PLAT 1995-51

SIMER  
 MF 345-0684  
 TAX LOT 1900  
 PARCEL 1  
 PP #1995-51

FOUND 5/8" IR W/YPC



KNOW ALL MEN BY THESE PRESENTS, That **MARK E. HEAD and JANICE M. HEAD, husband and wife**

in consideration of Ten and no/100 - - - - - Dollars, and other good and valuable consideration to grantor paid by **CITY OF TOLEDO, a municipal corporation and political subdivision of the State of Oregon**, 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:

Beginning at a point that is south 713.08 feet and east 1032.86 feet from the west 1/4 corner section 16, T11S., R. 10W.W.M.; thence N. 0° 50' W 144.30 feet; thence N. 13° 51' 30" W 135.39 feet; thence N. 48° 56' E 79.67 feet; thence N. 23° 07' E 72.80 feet; thence S. 55° 04' E. 175.0 feet; to the centerline of the Ammon Easement Road; thence South westerly along said centerline to the point of beginning. Containing 0.95 acres.

To Have and to Hold the above described and granted premises unto the said grantee and grantee's 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 fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural  
WITNESS grantor's hand and seal this 10th day of November, 1966

(SEAL)  
(SEAL)  
(SEAL)  
(SEAL)

STATE OF OREGON, County of Lincoln ) ss. November 10, 1966  
Personally appeared the above named **MARK E. HEAD and JANICE M. HEAD,**  
husband and wife,

and acknowledged the foregoing instrument to be their voluntary act and deed  
Before me:

*[Signature]*  
Notary Public for Oregon  
My commission expires

(OFFICIAL SEAL)

**WARRANTY DEED**

TO  
AFTER RECORDING RETURN TO

*Copy of Toledo  
11/10/66 220  
Toledo, Ore. 97391*

(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON, ss.

County of *Lincoln*

I certify that the within instrument was received for record on the 10th day of November, 1966, at 10:00 o'clock A.M., and recorded in book 222 on page 222. Record of Deeds of said County.

Witness my hand and seal of County affixed.

*Alberta M. Ferguson*  
County Clerk-Recorder.  
By *Gillian Nicholson*  
Deputy

*Pd. Check 5/50*

*C9517*



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



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## 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

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.

**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)

<input checked="" type="checkbox"/> Annexation	<input checked="" type="checkbox"/> Rezone (Zone Change)	<input type="checkbox"/> Comprehensive Plan Map Amendment _____
--	--	---

<b>PROPERTY ADDRESS</b> (or location if an address has not been assigned): 2054 SE Ammon Road, Toledo OR	
SIZE OF PROPERTY: .9	ASSESSOR'S MAP AND TAX LOT NO: 11-10-16CB TL 2000
PRESENT USE: Water Storage Tank	PROPOSED USE: Water Storage Tank
BRIEF SUMMARY OF ACTION REQUESTED: Annex City of Toledo water storage tank into City limits	
NAME OF PROPERTY OWNER(S): City of Toledo	
ADDRESS: PO Box 220, Toledo OR	
PHONE: 541-336-224	E-MAIL: manager@cityoftoledo.org
NAME OF APPLICANT(S): City of Toledo	
ADDRESS: PO Box 220, Toledo OR	
PHONE: 541-336-2247	E-MAIL: manager@cityoftoledo.org
NAME OF CONTACT: Richard Huebner	
ADDRESS: PO Box 220, Toledo OR	
PHONE: 541-336-2247	E-MAIL: manager@cityoftoledo.org

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.

*Richard J. Huebner*  
 \_\_\_\_\_  
 Owner's Signature

09/17/2025  
 \_\_\_\_\_  
 Date

***Staff Use Only***			
Filing Fee: _____	Payment Received by: _____	Date: _____	
Zoning: _____	Plan Designation: _____	File No. _____	
Date Application Deemed Completed: _____	Completion Checked by: _____	Date: _____	



**FORM 3 - PETITION/PETITION SIGNATURE SHEET**  
Annexation by Individuals

**CITY OF TOLEDO**  
**PLANNING DEPARTMENT**  
206 N. Main / P.O. Box 220  
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To the City Council of the City of Toledo:

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).

Lincoln County Department of Assessment and Tax

Date Certified

**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 Clerk or Deputy Signature

Date Certified





**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)]



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**FORM 5**

**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: Richard Huebner, City Manager  
 E-mail: manager@cityoftoledo.org

Supply the following information regarding the annexation area.

- Estimated Population (at present): 0
- Number of Existing Residential Units: 0
- Other Uses: public water storage tank
- Land Area: approx 0.9 total acres
- Existing Plan Designation(s): City Public Lands
- Existing Zoning(s): County R-1
- Existing Land Use(s): Public use
- Applicable Comprehensive Plan(s): 2023 Toledo Comprehensive Land Use Plan
- Applicable Refinement Plan(s): \_\_\_\_\_
- Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans. \_\_\_\_\_
- Are there development plans associated with this proposed annexation? Yes x No \_\_\_\_\_  
 If yes, describe. Ammon Water Storage Tank Replacement
- Is the proposed use or development allowed on the property under the current plan designation and zoning? Yes x No \_\_\_\_\_
- 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: City Public Lands Zone
- Does this application include all contiguous property under the same ownership? Yes x No \_\_\_\_\_  
 If no, state the reasons why all property is not included: \_\_\_\_\_

- 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, \_\_\_\_\_, and \_\_\_\_\_ (Developers) are the owners of that piece of real property commonly known as \_\_\_\_\_, 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.

\_\_\_\_\_  
Developer's Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Developer's Signature

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: \_\_\_\_\_

**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,** \_\_\_\_\_, 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.

# ATTACHMENT B

## Site Plan

(City of Toledo File #AX-1-25/RZ-2-25)

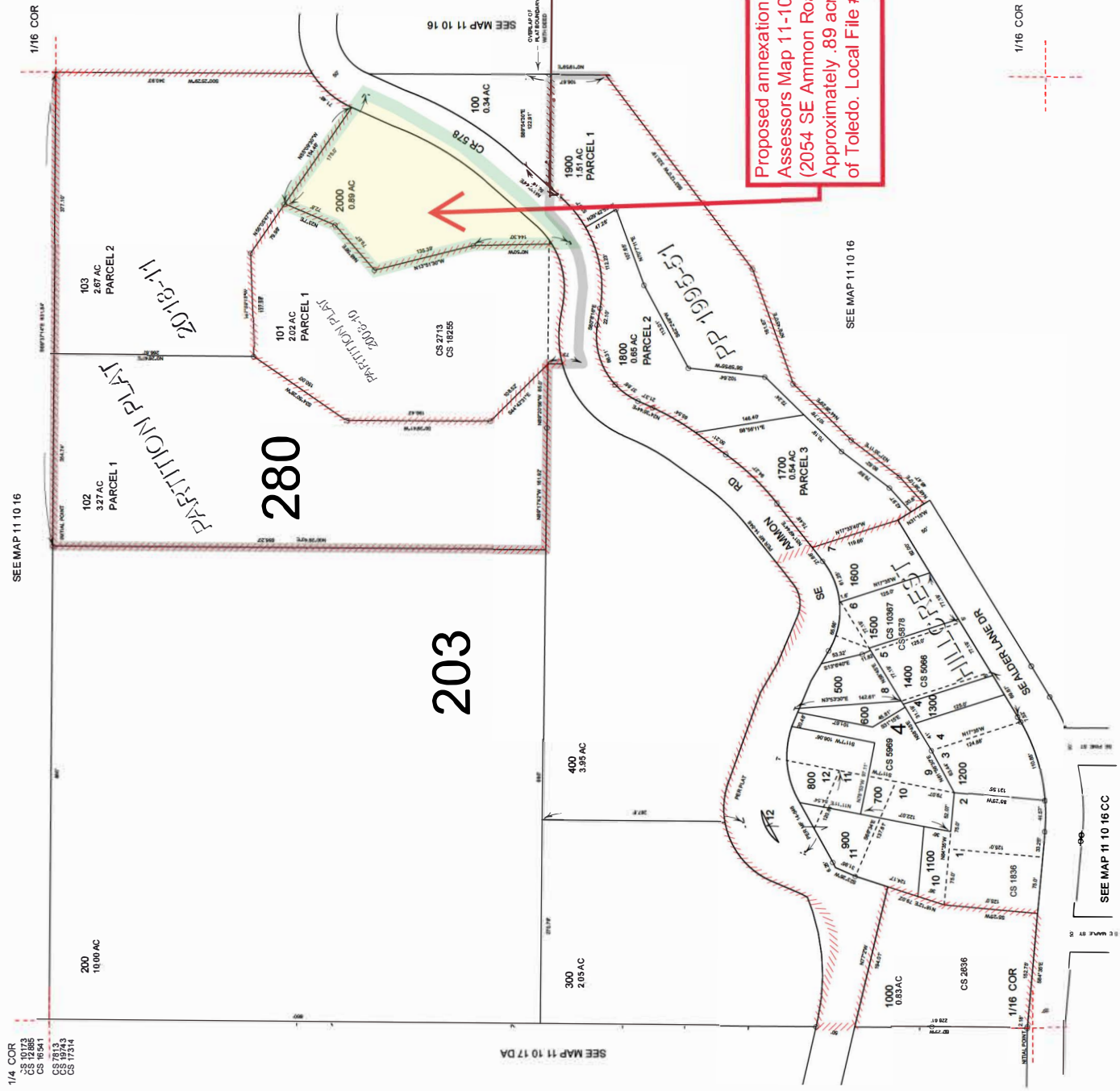
11 10 16 CB  
TOLEDO

N.W. 1/4 S.W. 1/4 SEC. 16 T. 11S. R. 10W. W.M.  
LINCOLN COUNTY  
1" = 100'

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY



1/4 COR.  
CS 12863  
CS 12866  
CS 16541  
CS 7813  
CS 17323  
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Revised: SAC  
11/02/2018

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# ATTACHMENT C

## Comprehensive Plan Map

(City of Toledo File #AX-1-25/RZ-2-25)

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# ATTACHMENT D

## Draft Ordinance (City of Toledo File #AX-1-25/RZ-2-25)

Draft Ordinance 9/15/2025  
AX-1-25/RZ-1-25

ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF REAL PROPERTY AND THE WITHDRAWAL FROM THE EAST LINCOLN COUNTY FIRE & RESCUE AND THE LINCOLN COUNTY LIBRARY DISTRICT CERTAIN REAL PROPERTY BEING ANNEXED TO THE CITY OF TOLEDO, OREGON

WHEREAS, on August 27, 2025, the City of Toledo filed a written request for annexation of property located at 2054 SE Ammon Road (Assessor's Map #11-10-16 CB Tax Lot 2000 – approximately .89 acres) that is outside the city limits but is contiguous to the city limits of the City of Toledo,

WHEREAS, Tax Lot 2000 on Lincoln County Assessor's Map 11-10-16 CB is identified as Public Lands on the Toledo Comprehensive Land Use Plan Map and Zoning Map,

WHEREAS, on August 27, 2025, in addition to the annexation and Comprehensive Land Use Plan and Zoning Map request, the property owner of Assessor's Map 11-10-16 CB Tax Lot 2000 also filed a request to rezone the .89 acres of property from County R-1 to City Public Land (P-L),

WHEREAS, the Planning Commission held a public hearing on October 8, 2025, on the proposed annexation and rezone (local file #AX-1-25/RZ-1-25) to consider and make a recommendation on the proposed annexation and rezone amendment to the City Council,

WHEREAS, the City Council held a public hearing on November 5, 2025, 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 November 5, 2025, 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 # 11-10-16 CB Tax Lot 2000, and as described below is annexed to the City of Toledo, Oregon:

Beginning at a point that is south 713.08 feet and east 1032.86 feet from the west 1/4 corner section 16, T11S., R. 10 W.W.M.; thence N. 0° 50' W 144.30 feet; thence N. 13° 54'30" W 135.39 feet; thence N. 48° 56' E 79.67 feet; thence N. 23° 07' E 72.80 feet; thence S. 55° 04' E. 175.0 feet; to the centerline of the Ammon Easement Road; thence South westerly along said centerline to the point of beginning.

Section 2. The property identified as Lincoln County Assessor's Map # 11-10-16 CB Tax Lot 2000 (approximately .89 acres) is rezoned from the County R-1 designation to the Toledo Comprehensive Land Use Plan and Zoning Map designation of Public Lands.

Section 3. The described property in Section 1 is withdrawn from the East Lincoln Fire and Rescue 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 \_\_\_\_\_, 2025.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

## **Chapter 10.30 TRAFFIC CALMING**

Sections:

- 10.30.010 Title.**
- 10.30.020 Purpose.**
- 10.30.030 Policy.**
- 10.30.040 Definitions.**
- 10.30.050 Traffic Calming Measures.**
- 10.30.060 Criteria for placement of traffic calming devices.**
- 10.30.070 Traffic calming request procedures**
- 10.30.080 Funding for traffic calming measures.**
- 10.30.090 Installation of traffic calming devices.**
- 10.30.100 Evaluation, modification, and removal**
- 10.30.010 Title.**

This chapter shall be known as the “neighborhood traffic calming procedure” for the City of Toledo.

### **10.30.020 Purpose.**

The purpose of traffic calming is to outline the policy and procedures for guiding the process of evaluating the feasibility of installing traffic calming measures on city streets through the use of devices and techniques that reduce traffic volume and speed in neighborhoods while maintaining maximum mobility and access. Traffic calming attempts to make drivers aware of the fact that they are sharing the space of a street with other users. Traffic calming measures are meant to increase safety for all road users. The traffic calming ordinance provides a procedure to consider, evaluate, implement, and remove traffic calming measures on streets in the City of Toledo.

### **10.30.030 Policy.**

- (1) To enhance the quality of life and the safety of the city’s residents, the City of Toledo is establishing this traffic calming policy. It is the policy of the City of Toledo that motor vehicles traveling in excess of posted speed limits present a threat to public safety and should be first addressed using the least intrusive methods available that will be effective for a given situation. Enforcement is the preferred method of abatement. Where the necessary level of enforcement is unattainable, engineered measures may be considered. The goals of this program are to:
  - (a) Reduce traffic speed to a safe and appropriate limit.
  - (b) Encourage community participation.
  - (c) Encourage and enhance vehicle, pedestrian, and bicycle systems.

- (d) Limit traffic calming to local residential streets.
- (e) Ensure emergency vehicle access.
- (f) Use effective, efficient, economical, and environmentally sound traffic calming solutions.
- (g) Obtain multidiscipline input from engineers, planners, police, and fire.

**10.30.040 Definitions.**

- (1) The following words, terms, and phrases, as used in this chapter, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:
- (a) “85th percentile speed” means the speed, in miles per hour, at or below which 85 percent of the drivers travel on a road segment. Motorists traveling above the 85th percentile speed are considered to be exceeding the safe and reasonable speed for road and traffic conditions.
  - (b) “Average daily traffic” (“ADT”) means the volume of traffic passing a point or segment of a road in both directions, during a period of time, divided by the number of days in the period and factored to represent an estimate of traffic volume for an average day of the year.
  - (c) “Collector” is the street functional classification for streets which provide access and mobility within neighborhoods, and commercial and industrial areas. Collectors gather traffic from local streets and serve as connectors to arterial streets. Collector streets include Business Loop 20, Arcadia Drive, Skyline Road, Sturdevant Road, East Slope Road, Butler Bridge Road, and Yaquina Bay Road.
  - (d) “Local ” is the street functional classification for streets which provide access to residential and other properties within neighborhoods and are not considered thoroughfares or serve major traffic generators.
  - (e) “Principal arterial” is the street functional classification for streets which carry the highest volumes of through traffic, provide mobility within the community, and provide continuity for intercity traffic through the urban area. US 20 is the only principal arterial in Toledo.
  - (f) “Quick-build project” is a traffic calming measure that can be implemented in a short period of time using temporary or movable materials that can be adjusted based on performance, that maintains basic roadway operations while improving safety and delivers safety improvements quickly while longer-term durable solutions are studied, designed and implemented.
  - (g) “Speed hump” means a rounded raised area built across a road as a traffic calming measure intended to slow traffic speeds on low volume, low speed roads.
  - (h) “Street functional classification” is a street’s operational and design characteristics such as pavement width, right-of-way requirements, driveway access spacing requirements, and appropriate type of pedestrian and bicycle facilities. Functional classification of streets is determined by the City of Toledo Transportation System Plan.

- (i) “Traffic calming” is the deliberate slowing of traffic on a street by installing speed humps or other obstructions referred to as “traffic calming devices.”
- (j) “Traffic calming device” means an element of a traffic calming plan selected from among those devices authorized herein for use within the city.
- (k) “Traffic calming study” means an appraisal of traffic conditions in the development of a plan for installing one or more traffic calming devices on a city street.

**10.30.050 Traffic Calming Measures**

- (1) Traffic calming measures may only be applied on a street that is classified as a local street in the current City of Toledo Transportation System Plan. Traffic calming measures shall not be considered for use on collector, principal arterial, or commercial streets because of their potentially severe safety consequences on traffic, emergency services, and other service delivery activities.
- (2) Traffic Investigation. Upon a request for the installation of a traffic calming measure, the Public Works Department shall carry out a traffic investigation upon the street segment for which the request has been received. The investigation shall result in a speed distribution study and calculation of the average daily traffic for the street segment. To be approved, the traffic investigation must show determine the following factors have been met.
  - (a) The 85th percentile speed must be at least five miles per hour over the posted speed limit or
  - (b) More than 50 percent of the vehicles traveling on the street must be traveling at or above the posted speed limit or
  - (c) The city has evidence of dangerous traffic behavior (e.g. accidents, speeding tickets documentation, or other satisfactory evidence), and
  - (d) Street must have a posted speed limit of 30 miles per hour or less, and
  - (e) The average daily traffic (ADT) volume must be at least 500 vehicles per day and a maximum of 2,500 vehicles per day, and
  - (f) The street grade must be less than eight percent, and
  - (g) The street must have no more than one travel lane in each direction.
- (3) The City of Toledo has approved of the following traffic calming measures as quick build projects.
  - (a) High visibility painted crosswalks. High visibility crosswalks use bold white lines to clearly define pedestrian crossing areas at intersections and midblock locations. High visibility designs use enhanced marking patterns—including continental, zebra, and ladder designs—that are visible from up to twice the distance of traditional transverse markings, providing greater contrast and improving driver awareness of crossing pedestrians. High visibility crosswalks create a safer environment by increasing driver yielding behavior, and establishing clear right-of-way for vulnerable road users.

- (b) Painted curb extensions. Curb extensions, also known as bulb-outs or neckdowns, extend the sidewalk or curb line into the parking lane to reduce pedestrian crossing distances. This treatment encourages slower vehicle speeds and increases driver attentiveness by narrowing the roadway. Curb extensions create a safer environment for pedestrians by providing a larger buffer between the sidewalk and vehicles, improving visibility and reducing exposure time to traffic.
- (c) Pedestrian crossing islands. Pedestrian crossing islands, also known as refuge islands, median refuges, or pedestrian safety islands, are dedicated spaces in the center of roadways that allow people to navigate one direction of traffic at a time.
- (d) Leading pedestrian intervals. Leading pedestrian intervals (LPIs) are traffic signal timing modifications that enhance intersection safety by providing pedestrians a three to seven second head start before parallel vehicle movements receive a green light. This treatment is particularly effective at intersections with high turning volumes, as it helps pedestrians establish their presence in the crosswalk and increase their visibility to turning drivers.
- (e) Traffic circles. Paint and post traffic circles replace typical intersections with a central island that vehicles travel around at reduced speeds. Circular intersections have a few variations for different contexts; full roundabouts have multiple lanes and splitter islands, mini-roundabouts feature a slightly raised center island, and neighborhood traffic circles are simpler with just a small central island. Drivers must slow down, yield, and navigate around the center – eliminating dangerous turning collisions by reducing conflict points. The allowed traffic calming option is a mini-roundabout not a full roundabout.
- (f) Chicanes. Chicanes are a traffic calming measures that create an “S” shaped path of travel along the street by alternating curb extensions or lane shifts. They typically include offset curb extensions, islands, or parking that require drivers to navigate a curved path of 45-degree bends. This design naturally reduces vehicle speeds without requiring vertical deflection elements, while maintaining emergency vehicle access and creating opportunities for landscaping or stormwater management features.
- (g) Diverters. Diverters are physical barriers installed at intersections that prevent certain vehicular movements while maintaining bicycle and pedestrian access. They typically consist of diagonal islands and partial closures, strategically placed to redirect through traffic to designated corridors. Diverters significantly reduce traffic volumes creating calmer neighborhood environments with fewer conflicts, while preserving a connected network for people walking and biking.
- (h) Turn-calming at intersections. Turn-calming treatments reduce vehicle turning speeds and improve visibility of people crossing the street. They create turning paths that discourage corner-cutting and encourage safer speeds at crosswalks.
- (i) Speed humps. Speed humps reduce vehicle speeds by providing a vertical lift area along the course of travel.

**10.30.060 Criteria for placement of traffic calming devices.**

- (1) For the purposes of the traffic calming program, a traffic calming measure may be warranted if the following conditions are met:
  - (a) The traffic calming device will not result in the need for widening other roadways, for additional storm drain measures, cause delays in emergency response time, or cause drivers to seek other routes to bypass the traffic calming measure as determined by the public works department.
  - (b) Street must have adequate sight distances to safely accommodate the speed hump as determined by the public works department.
  - (c) The street must be at least 500 feet in length, uninterrupted by stop signs, yield signs, or signal controls.
  - (d) The traffic calming device shall not be installed on sharp curves or curves exceeding a horizontal curve radius of 300 feet.
  - (e) The traffic calming device will not be installed closer than 200 feet from an unsignalized intersection and 250 feet from a signalized intersection.
  - (f) The traffic calming device shall not impede access to driveways.
  - (g) The traffic calming device shall not be installed on cul-de-sacs or no-outlet streets less than 750 feet in length.
  - (h) The traffic calming device shall not impede access to a fire hydrant.
  - (i) The traffic calming device shall not cover, adversely impact access to, or the function of manholes, catch basins, water valves, or street monumentation.

**10.30.070 Traffic calming request procedures.**

- (1) A person(s) interested in pursuing the installation of a traffic calming device on a street shall submit a traffic calming request to the public works department with the appropriate fees. Fees associated with all traffic calming requests shall be set by resolution of the city council.
- (2) Public works staff will make a preliminary assessment to determine if the requested location is on an eligible road. If the location is on an eligible road, public works staff will determine an appropriate target area to circulate a neighborhood traffic calming support petition. The target area will be determined based upon the density of the lots and the roadway use.
- (3) Applicant shall circulate a neighborhood traffic calming support petition in the area determined by the public works department and shall provide documented evidence of community support for the installation of traffic calming devices. Petition must document a minimum of 51 percent of the residents or 10 residents within the boundary area in support of the installation of traffic calming measures.
- (4) After the applicant provides required community support for traffic calming measures as required, public works staff shall conduct a traffic study to determine if the street meets the requirements for traffic calming based on the criteria set forth in TMC 10.30.060. Speed study shall be conducted for a minimum of 14 days.

- (5) If the street meets all criteria for traffic calming, additional approval of the following agencies in support of the traffic calming measure is required, including the public works department, planning department, police department, and fire department.
- (6) After the community engagement process has been completed, residential approval thresholds are met, and traffic calming funds have been received by the city, the public works shall complete a full engineering study of the site and develop a preliminary design proposal for the requested traffic calming device.
- (7) A public hearing shall be held by the Planning Commission prior to installation of the traffic calming device to present the preliminary design to interested residents. Notice of the public hearing shall be mailed to residents of the same petition area described in 10.30.070(2), posted on the City's website, and posted at City Hall. Following the public hearing, the Planning Commission shall make findings of fact and determine whether the criteria of Section 10.30.060 have or will be met.

**10.30.080 Funding for traffic calming measures.**

- (1) A street which qualifies for traffic calming may be funded by the city, when such funds become available, by an individual, or by a group of individuals.
- (2) The individual or group of individuals funding a traffic calming device must enter into a memorandum of understanding (MOU) with the City of Toledo, wherein they agree to pay for all costs associated with the installation of the traffic calming device on the street, including design, permits, construction, inspection, and administrative fees.
- (3) After an MOU is executed, payment shall be made to the City of Toledo.
- (4) Payment for speed humps does not relieve applicant from the requirement of obtaining community support in favor of the installation of traffic calming measures as required by Section 10.30.070(3), or from any other criterion set forth in this chapter.

**10.30.090 Installation of traffic calming devices.**

- (1) The installation of traffic calming devices shall be scheduled by the public works department upon approval by the city council and receipt of funds for the work.
- (2) Completion of the installation of traffic calming devices shall be subject to work crew schedules, purchasing constraints, and appropriate weather conditions.
- (3) Installation shall be done in compliance with the Toledo Public Works Manual and/or the Institute of Transportation Engineers (ITE) Manual.

**10.30.100 Evaluation, modification, and removal.**

- (1) Public Works staff shall evaluate traffic calming measures six months after installation. Traffic data shall be collected and compared to the previously collected "before" data. The comparison will evaluate the measures to determine if corrective measures or other actions are needed.
- (2) With the approval of planning commission, traffic calming devices may be removed or altered at any time for the following reasons:

- (a) Emergency response is significantly impacted.
  - (b) Traffic count for the street exceeds 2,500 vehicles per day.
  - (c) The city's Public Works Director determines that it is in the best interest of public safety.
- (3) Residents within the traffic calming area may request removal of the traffic calming device only after the measures have been in place for two years by submitting a petition to the city. The petition shall request removal of the traffic calming device, acknowledge that the residents shall pay for the removal, and include the signatures of at least 51 percent of the residents within the calming area. Upon receipt of the petition, the city will assess the property owners within the traffic calming area for the costs and then remove the traffic calming device.

**10.30.110 Appeal of Planning Commission Decision.**

- (1) Any person who participated in the public hearing before the Planning Commission may appeal the Planning Commission's decision regarding installation or removal of a traffic calming device to the City Council by filing a written request within 14 days of the Planning Commission's decision.
- (2) A written request for an appeal shall be submitted to the City Manager by paper or electronic mail. Upon receipt of appeal, the City Manager shall schedule a public hearing no later than 30 days following receipt of the request.
- (3) Notice of the City Council public hearing shall be provided in the same manner as in Section 10.30.070(7).
- (4) Following the public hearing, the City Council shall make findings of fact and determine whether the criteria of Section 10.30.060 or 10.30.100(2), as appropriate, have or will be met.