



FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

MAR 25 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: City of Myrtle Point

Local file number: NA

Date of Adoption: 3/17/2012

Date Mailed: 3/21/2012

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 11/29/2012☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

The City of Myrtle Point adopted an amendment to the Myrtle Point Development Code that grants existing residential uses in industrial zoned lands special status that allows the refinance, improvement or rebuilding of existing nonconforming homes in that zone, in case of fire or other disaster.

Does the Adoption differ from proposal?

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

| | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 001-12 (19600) [17399]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:
City of Myrtle Point

Local Contact: Joshua Shaklee

Phone: (541) 572 - 2626 Extension:

Address: 424 5th Street

Fax Number: - -

City: Myrtle Point, Oregon

Zip: 97458

E-mail Address: RARE@ci.myrtlepoint.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

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

Updated December 6, 2012

ORDINANCE NO. 1268

AN ORDINANCE AMENDING ORDINANCE NO. 1267 CITY OF MYRTLE POINT DEVELOPMENT CODE, SECTION 1.4.030 NON-CONFORMING DEVELOPMENT, SECTION 2.2.020 LAND USES ALLOWED IN ZONING DISTRICTS, CHAPTER 2.3 SPECIAL USE STANDARDS, AND STATING AN EFFECTIVE DATE.

WHEREAS, the City of Myrtle Point has received requests from property owners to review the Development Code concerning existing residential structures on parcels of land within the city zoned Light Industrial (LI) or Heavy Industrial (HI) based on the fact that owners of these properties have been denied financing to make improvements to existing structures due to their designation as non-conforming developments; and

WHEREAS, the proposed Development Code text amendments are determined to be consistent with the city's comprehensive plan, Statewide planning goals, and State administrative rules; and

WHEREAS, notices of a Public Hearing on February 11, 2013 were sent to owners of all parcels of land within the city zoned Light Industrial (LI) or Heavy Industrial (HI) on January 22, 2013, consistent with Development Code requirements and requirements of ORS 227.186; and

WHEREAS, the Planning Commission held a Public Hearing on February 11, 2013 to hear public testimony on the proposed amendments and those comments have been considered; and

WHEREAS, the Planning Commission, upon consideration of the staff report and public testimony recommends that the City Council approve the proposed amendments;

THE CITY OF MYRTLE POINT ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT

Ordinance No. 1267, Section 1.4.030, Section 2.2.020, and Chapter 2.3 are hereby amended according to "Attachment A" attached hereto and made part of this ordinance by reference.

SECTION 2. EFFECTIVE DATE

This ordinance shall become effective immediately upon its final passage by a unanimous vote of the Council members present and voting.

First read to the Council this 4th day of March 2013.

Signed by the Mayor this 18th day of March 2013.

ATTEST:



Barbara A. Carter, Mayor
City of Myrtle Point



Darin Nicholson, City Manager
City of Myrtle Point

DEVELOPMENT CODE TEXT AMENDMENTS

The Development Code text amendments presented herein grant special status to existing or grandfathered Single Family Residences, Two-Family Dwellings, or Accessory Dwellings, to include Group Care Homes, Group Care Facilities, Family Daycare and Home Occupation uses that were existing on the effective date of adoption of the Development Code.

Additions to the text are shown double underlined. Deletions from the text are shown ~~struck out~~. This action amends the following sections of the Development Code:

CITY OF MYRTLE POINT DEVELOPMENT CODE

Chapter 1.4 — Non-Conforming Situations

1.4.030 Non-conforming Development

Where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. **Alterations.** Any expansion of a non-conforming structure or development shall not exceed twenty percent (20%) of the subject building area or development, including structures, paving, outdoor storage, and other developed areas that existed as of February 3, 2012. Such expansion requires approval of a Conditional Use Permit; no such nonconforming building or development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;
- B. **Destruction.** Should such non-conforming development or non-conforming portion of development be destroyed by any means to an extent more than fifty percent (50%) of its current value as assessed by the Coos County Assessor, it shall be reconstructed only in conformity with this Code;
- C. **Roadway Access.** The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with the standards of the Oregon Department of Transportation, notwithstanding the provisions of this Chapter.
- D. **Relocation or Removal.** Should a non-conforming structure or development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.
- E. **Existing Uses Granted Special Status (Allowed) in Industrial Zones.** Notwithstanding the restrictions of any other section of the Myrtle Point Development Code, all Single-Family, Two-Family (Duplex), or Accessory Residential Dwellings and Manufactured Homes built before February 3, 2012, on industrially zoned properties shall be deemed conforming to the base zoning district. This status extends to existing dwellings used as Group Care Homes, Group Care Facilities, Day Care Facilities, Family Daycare, and Home Occupations. Any expansion of an existing structure or development shall not exceed twenty percent (20%) of the original subject building area or development. If any building on these properties is destroyed, as defined in Myrtle Point Development Code 1.4.030(B), it may be rebuilt not in excess of twenty percent (20%) greater than the original subject building area or development as it existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Chapter 2.

Chapter 2.2 – Zoning District Regulations

2.2.020 Land Uses Allowed in Zoning Districts

Table 2.2.020 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 5.1. A Zoning Checklist is required before changing a use, applying for a building permit, or commencing development.

| Table 2.2.020 – Land Uses Allowed in Zoning Districts | | | | | | |
|--|---------------------------|---------------|--------------------|------------------|-----------------------------|--|
| Uses | Status of Use in District | | | | | |
| Use Categories (Examples of uses are provided in Chapter 5.1) | Residential (R) | Com-Res. (CR) | Indus. (LI) & (HI) | Public Fac. (PF) | Open Space (OS) & Water (W) | Limitations and Special Use Standards (See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones) |
| Residential Categories | | | | | | |
| Household Living | | | | | | |
| Single-Family Dwelling (not attached) | P | P | N* | N* | N | <u>*Existing, lawfully-established Single-Family Dwellings are granted special status, subject to Chapter 1.4.</u> |
| Accessory Dwelling (second dwelling on a single-family lot) | S | S | <u>N*</u> | N | N | <u>*Existing, lawfully-established Accessory Dwellings are granted special status, subject to Chapter 1.4.</u> |
| Two-Family Dwelling (Duplex) | P | P | <u>N*</u> | N | N | <u>*Existing, lawfully-established Two-Family (Duplex) Dwellings are granted special status, subject to Chapter 1.4.</u> |
| Manufactured Home | S | S | <u>N*</u> | N | N | Sec. 2.3.070-2.3.090 ORS 446 <u>*Existing, lawfully-established Manufactured Homes are granted special status, subject to Chapter 1.4.</u> |

Table 2.2.020 – Land Uses Allowed in Zoning Districts

| Uses | | Status of Use in District | | | | |
|--|---------------------------------------|----------------------------------|-------------------------------|-------------------------|--|--|
| Use Categories <i>(Examples of uses are provided in Chapter 5.1)</i> | Residential (R) | Com-Res. (CR) | Indus. (LI) & (HI) | Public Fac. (PF) | Open Space (OS) & Water (W) | Limitations and Special Use Standards |
| | | | | | | <i>(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)</i> |
| Mobile Home/Manufactured Dwelling Park | R-1: N R-2: CU+S R-3: S | N | N | N | N | Sec. 2.3.080 ORS 446 |
| Multifamily Dwellings (3 or more dwellings on lot, including senior housing, assisted living, and single room occupancy uses but not group living) | S | S | N | N | N | Sec. 2.3.100 |
| Use of Recreational Vehicle as Dwelling (must be connected to water, electrical supply and sewage disposal systems) and in an approved manufactured dwelling park, mobile home park or RV park | P | N | N | N | N | 2.3.090 ORS 197.493 |

[Ord. 1268, 3/16/2013]

Key:

- P = Permitted
- S = Permitted with Special Use Standards
- CU = Conditional Use Permit required
- N = Not permitted

Table 2.2.020 – Land Uses Allowed in Zoning Districts

| <i>Uses</i> | <i>Status of Use in District</i> | | | | | |
|--|----------------------------------|---------------|--------------------|------------------|-----------------------------|--|
| Use Categories <i>(Examples of uses are provided in Chapter 5.1)</i> | Residential (R) | Com-Res. (CR) | Indus. (LI) & (HI) | Public Fac. (PF) | Open Space (OS) & Water (W) | Limitations and Special Use Standards <i>(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)</i> |
| Group Living | | | | | | |
| Group Care Home (5 or fewer individuals receiving care) | P | P | <u>N*</u> | N | N | Sec. 2.3.050 <u>*Existing, lawfully-established Group Care Homes are granted special status, subject to Chapter 1.4.</u> |
| Group Care Facility (6-15 individuals receiving care) | P | P | <u>N*</u> | N | N | Sec. 2.3.050 <u>*Existing, lawfully-established Group Care Facilities are granted special status, subject to Chapter 1.4.</u> |
| Commercial Categories Sec. 2.3.110 Commercial Development Standards applies to all Commercial Uses | | | | | | Sec. 2.3.110 |
| Drive-Up/Drive-In/Drive-Through Uses (includes but is not limited to drive-up windows, drive-up ATM's, auto service and repair, and similar uses and facilities) | N | CU | CU | N | N | |
| Bed and Breakfast Inn | CU+S | S | N | N | N | Sec. 2.3.040 |

Key:

- P = Permitted
- S = Permitted with Special Use Standards
- CU = Conditional Use Permit required
- N = Not permitted

| Table 2.2.020 – Land Uses Allowed in Zoning Districts | | | | | | |
|---|---------------------------|---------------|------------------------|------------------|-----------------------------|--|
| Uses | Status of Use in District | | | | | |
| Use Categories (Examples of uses are provided in Chapter 5.1) | Residential (R) | Com-Res. (CR) | Indus. (LI) & (HI) | Public Fac. (PF) | Open Space (OS) & Water (W) | Limitations and Special Use Standards (See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones) |
| Educational Services, e.g., tutoring/training center or similar commercial services (not a school or home occupation) | N | P | P | N | N | |
| Entertainment, Major Event | N | CU | LI: CU HI: N | CU* | OS: CU* W: N | *In PF and OS districts, entertainment uses must be accessory to a public use. |
| Family Daycare (16 or fewer children) under ORS 657A.250 and ORS 657A.440(4) | P | P | <u>N*</u> | N | N | <u>*Existing, lawfully-established Family Daycare are granted special status, subject to Chapter 1.4.</u> |
| Home Occupation - Greater than 500 square feet of use - Less than 500 square feet of use | S+CU S | S S | <u>N*</u> <u>N*</u> | N N | N N | 2.3.060 <u>*Existing, lawfully-established Home Occupations are granted special status, subject to Chapter 1.4.</u> |

[Ord. 1268, 3/18/2013]

Chapter 2.3 – Special Use Standards

Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Accessory Dwellings
- 2.3.040 Bed and Breakfast Inns
- 2.3.050 Residential Care Homes and Residential Facilities
- 2.3.060 Home Occupations
- 2.3.070 Manufactured Homes on Lots
- 2.3.080 Mobile Home and Manufactured Dwelling Parks
- 2.3.090 Mobile Homes and Recreational Vehicles Used as Dwellings
- 2.3.100 Multiple Family Development Standards
- 2.3.110 Commercial Development Standards
- 2.3.120 Water (W) Zone Development
- 2.3.130 Certain Residential Uses Granted Special Status.

2.3.130 Certain Residential Uses Granted Special Status. Special status has been granted to existing Single-Family, Two-Family (Duplex) and Accessory Dwellings, and Manufactured Homes in industrial zones. This status includes dwellings used as Group Care Homes, Group Care Facilities, Family Daycare, and Home Occupations. Notwithstanding the restrictions or terms of any other section of this Code, these properties shall be deemed to be conforming to the base zoning district.

[Ord. 1268, 3/18/2013]

City of Myrtle Point

MEMORANDUM

To: Myrtle Point City Council

From: Joshua Shaklee, Community Planner/RARE Participant

Date: March 4, 2013

Subject: Amendment to Myrtle Point Development Code Text – Staff Report

BACKGROUND

At the November 27, 2012 meeting of the City of Myrtle Point Planning Commission, the Commission agreed to consider an amendment to the text of the Myrtle Point Development Code to ease the burden on owners of residential structures on parcels zoned Light Industrial or Heavy Industrial who wish to finance improvements or expansions to these structures, or to rebuild the structures in the event of fire or other disaster. These structures are considered “non-conforming” by the current Development Code and lenders have consistently denied financing for these uses.

Myrtle Point wishes to maintain the City's industrial land base, so there is no desire to rezone from Light Industrial to Residential. There is also no desire or need for additional residential land that could accommodate subdivisions.

According to Development Code Table 4.1.010 a Text Code Amendment is a Type IV legislative, or quasi-judicial, decision.

The City of Myrtle Point Planning Commission convened a land use hearing on February 11, 2013 to consider the text code amendment and make a recommendation to City Council. The Planning Commission voted to recommend that City Council adopt the text code amendment with the following revisions to the text code amendment originally proposed in the City Staff Report: existing residential structures in industrial zones are allowed to rebuild up to twenty percent (20%) of the square footage of the original structure in the case of destruction by fire or other disaster and to include Group Care Facilities and Family Daycare as allowed uses.

REQUESTED ACTION

The City Council is requested to review the proposed Text Code Amendments:

- Accept staff findings and Planning Commission recommendation and adopt the Text Amendment as proposed;
- Approve the Text Code Amendment and request revisions; or
- Deny the proposed Text Code Amendment.
- Provide findings for each decision.

This report presents text code amendments intended to ease the burden of homeowners wishing to make improvements or rebuild their residences in industrial zones. The specific proposed language for the Development Code amendments is included. New proposed language is double underlined and

proposed deletion of existing language is ~~struck-out~~. All new language, whether an addition or deletion, will be highlighted.

PROPOSED TEXT CODE AMENDMENTS

The proposed text code amendments grant special status to existing or grandfathered Single Family Residences, Two-Family Dwellings, or Accessory Dwellings, to include Group Care Homes, Group Care Facilities, Family Daycare and Home Occupation uses that were existing on the effective date of adoption of the Development Code.

This action amends the following sections of the Development Code:

CITY OF MYRTLE POINT DEVELOPMENT CODE

Chapter 1.4 — Non-Conforming Situations

1.4.030 Non-conforming Development

Where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on lot area, lot coverage, height, yard, equipment, access, parking, landscaping, its location on the lot or other requirements concerning the development; and the development was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. **Alterations.** Any expansion of a non-conforming structure or development shall not exceed twenty percent (20%) of the subject building area or development, including structures, paving, outdoor storage, and other developed areas that existed as of February 3, 2012. Such expansion requires approval of a Conditional Use Permit; no such nonconforming building or development may be enlarged or altered in a way that increases its nonconformity, but any development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or will decrease its nonconformity;
- B. **Destruction.** Should such non-conforming development or non-conforming portion of development be destroyed by any means to an extent more than fifty percent (50%) of its current value as assessed by the Coos County Assessor, it shall be reconstructed only in conformity with this Code;
- C. **Roadway Access.** The owner of a non-conforming access connection (i.e., street or highway access) may be required to bring the non-conforming access into conformance with the standards of the Oregon Department of Transportation, notwithstanding the provisions of this Chapter.
- D. **Relocation or Removal.** Should a non-conforming structure or development be moved for any reason and by any distance, it shall thereafter conform to the regulations of this Code.

E. Existing Uses Granted Special Status (Allowed) in Industrial Zones. Notwithstanding the restrictions of any other section of the Myrtle Point Development Code, all Single-Family, Two-Family (Duplex), or Accessory Residential Dwellings and Manufactured Homes built before February 3, 2012, on industrially zoned properties shall be deemed conforming to the base zoning district. This status extends to existing dwellings used as Group Care Homes, Group Care Facilities, Day Care Facilities, Family Daycare, and Home Occupations. Any expansion of an existing structure or development shall not exceed twenty percent (20%) of the original subject building area or development. If any building

on these properties is destroyed, as defined in Myrtle Point Development Code 1.4.030(B), it may be rebuilt not in excess of twenty percent (20%) greater than the original subject building area or development as it existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Chapter 2.

Chapter 2.2 – Zoning District Regulations

2.2.020 Land Uses Allowed in Zoning Districts

Table 2.2.020 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 5.1. A Zoning Checklist is required before changing a use, applying for a building permit, or commencing development.

| Table 2.2.020 – Land Uses Allowed in Zoning Districts | | | | | | |
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| Residential Categories | | | | | | |
| Household Living | | | | | | |
| Single-Family Dwelling (not attached) | P | P | N* | N* | N | <u>*Existing, lawfully-established Single-Family Dwellings are granted special status, subject to Chapter 1.4.</u> |
| Accessory Dwelling (second dwelling on a single-family lot) | S | S | <u>N*</u> | N | N | <u>*Existing, lawfully-established Accessory Dwellings are granted special status, subject to Chapter 1.4.</u> |

Table 2.2.020 – Land Uses Allowed in Zoning Districts

| Uses | | | | | | |
|--|--|----------------------|-------------------------------|-------------------------|--|--|
| Status of Use in District | | | | | | |
| Use Categories (Examples of uses are provided in Chapter 5.1) | Residential (R) | Com-Res. (CR) | Indus. (LI) & (HI) | Public Fac. (PF) | Open Space (OS) & Water (W) | Limitations and Special Use Standards (See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones) |
| Two-Family Dwelling (Duplex) | P | P | <u>N*</u> | N | N | <u>*Existing, lawfully-established Two-Family (Duplex) Dwellings are granted special status, subject to Chapter 1.4.</u> |
| Manufactured Home | S | S | <u>N*</u> | N | N | Sec. 2.3.070-2.3.090 ORS 446 <u>*Existing, lawfully-established Manufactured Homes are granted special status, subject to Chapter 1.4.</u> |
| Mobile Home/Manufactured Dwelling Park | R-1: N R-2: CU+S R-3: S | N | N | N | N | Sec. 2.3.080 ORS 446 |
| Multifamily Dwellings (3 or more dwellings on lot, including senior housing, assisted living, and single room occupancy uses but not group living) | S | S | N | N | N | Sec. 2.3.100 |

Table 2.2.020 – Land Uses Allowed in Zoning Districts

| Uses | Status of Use in District | | | | | |
|--|----------------------------------|---------------|--------------------|------------------|-----------------------------|--|
| Use Categories <i>(Examples of uses are provided in Chapter 5.1)</i> | Residential (R) | Com-Res. (CR) | Indus. (LI) & (HI) | Public Fac. (PF) | Open Space (OS) & Water (W) | Limitations and Special Use Standards <i>(See also, Chapter 2.3 Special Use Standards and Chapter 2.4 Overlay Zones)</i> |
| Use of Recreational Vehicle as Dwelling (must be connected to water, electrical supply and sewage disposal systems) and in an approved manufactured dwelling park, mobile home park or RV park | P | N | N | N | N | 2.3.090 ORS 197.493 |

[Ord. XXXX, 3/4/2013]

Key:

P = Permitted

S = Permitted with Special Use Standards

CU = Conditional Use Permit required

N = Not permitted

| Group Living | | | | | | |
|---|---|---|-----------|---|---|---|
| Group Care Home (5 or fewer individuals receiving care) | P | P | <u>N*</u> | N | N | Sec. 2.3.050 <u>*Existing, lawfully-established Group Care Homes are granted special status, subject to Chapter 1.4.</u> |

Key:

P = Permitted

S = Permitted with Special Use Standards

CU = Conditional Use Permit required

N = Not permitted

| | | | | | | |
|--|-----------|--------|------------------------|--------|--------------------|--|
| Group Care Facility (6-15 individuals receiving care) | P | P | <u>N*</u> | N | N | Sec. 2.3.050 <u>*Existing, lawfully-established Group Care Facilities are granted special status, subject to Chapter 1.4.</u> |
| Commercial Categories Sec. 2.3.110 Commercial Development Standards applies to all Commercial Uses | | | | | | Sec. 2.3.110 |
| Drive-Up/Drive-In/Drive-Through Uses (includes but is not limited to drive-up windows, drive-up ATM's, auto service and repair, and similar uses and facilities) | N | CU | CU | N | N | |
| Bed and Breakfast Inn | CU+S | S | N | N | N | Sec. 2.3.040 |
| Educational Services, e.g., tutoring/training center or similar commercial services (not a school or home occupation) | N | P | P | N | N | |
| Entertainment, Major Event | N | CU | LI: CU HI: N | CU* | OS: CU* W: N | *In PF and OS districts, entertainment uses must be accessory to a public use. |
| Family Daycare (16 or fewer children) under ORS 657A.250 and ORS 657A.440(4) | P | P | <u>N*</u> | N | N | <u>*Existing, lawfully-established Family Daycare are granted special status, subject to Chapter 1.4.</u> |
| Home Occupation - Greater than 500 square feet of use - Less than 500 square feet of use | S+CU S | S S | <u>N*</u> <u>N*</u> | N N | N N | 2.3.060 <u>*Existing, lawfully-established Home Occupations are granted special status, subject to Chapter 1.4.</u> |

Chapter 2.3 – Special Use Standards

Sections:

2.3.010 Purpose

2.3.020 Applicability

2.3.030 Accessory Dwellings

2.3.040 Bed and Breakfast Inns

2.3.050 Residential Care Homes and Residential Facilities

2.3.060 Home Occupations

2.3.070 Manufactured Homes on Lots

2.3.080 Mobile Home and Manufactured Dwelling Parks

2.3.090 Mobile Homes and Recreational Vehicles Used as Dwellings

2.3.100 Multiple Family Development Standards

2.3.110 Commercial Development Standards

2.3.120 Water (W) Zone Development

2.3.130 Certain Residential Uses Granted Special Status.

2.3.130 Certain Residential Uses Granted Special Status. Special status has been granted to existing Single-Family, Two-Family (Duplex) and Accessory Dwellings, and Manufactured Homes in industrial zones. This status includes dwellings used as Group Care Homes, Group Care Facilities, Family Daycare, and Home Occupations. Notwithstanding the restrictions or terms of any other section of this Code, these properties shall be deemed to be conforming to the base zoning district.

[Ord. 12-68, 3/17/2013]

FINDINGS

4.6.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

4.6.020 Procedure

A. Except for corrections, amendments to Development Code text are Legislative.

Finding: The amendments proposed are legislative in that they are amendments to the text that change the content and expectations for the public, rather than corrections.

B. Amendments to the Zoning Map that affect more than one parcel, or more than one-half (1/2) acre, whichever is greater, are Legislative actions.

Finding: The proposed amendments affect numerous parcels in industrial zones totaling more than ½ acre, but there will be no changes to the Zoning Map.

C. Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative actions.

Finding: Proposed amendments do not amend to the Zoning Map and therefore do not require amendment to the Comprehensive Plan.

D. Amendments that do not meet the criteria under subsection 4.6.020(A), 4.6.020(B), or 4.6.020(C) may be processed as quasi-Judicial amendments.

Finding: The proposed amendments meet the criteria of 4.6.020, which requires that they will be processed as legislative amendments.

4.6.030 Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code or Comprehensive Plan shall be based on all of the following criteria:

A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

Finding: The proposed text amendment to the Development Code does not require an amendment to the Comprehensive Plan.

B. The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);

Finding: The proposed amendment to the Development Code has been found to be consistent with the Comprehensive Plan.

C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either corrects a mistake or inconsistency in the Comprehensive Plan, Development Code, or Zoning Map; or it responds to changes in the community; and

Finding: The proposed text code amendment responds to changing national and local economic conditions in which mortgage lenders have consistently denied financing for improvements to residential dwellings in industrial zones that are classified as non-conforming under the existing Development Code. This situation has the potential to lead to disinvestment in these properties, to the detriment of the community.

D. The amendment must conform to the Transportation Planning Rule provisions under Section 4.6.050.

Finding: The code text amendment does not amend the Comprehensive Plan or the Zoning Map, so there is no requirement that the action be reviewed for compliance with the Transportation Planning Rule.

4.6.040 Record of Amendments

The City Planning Official shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

Finding: The City Planning Official will maintain a record of amendments to the text of the Myrtle Point Development Code in a format accessible to use by the public.

General Review Procedures

4.1.050 Type IV (Legislative Review)

A. **Timing of Requests.** *The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.*

Finding: This legislative amendment proposal has been initiated by the City of Myrtle Point Planning Commission.

C. **Procedure.** *Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to State land use laws (ORS 227.175), as follows:*

1. *The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least forty-five (45) days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.*

Finding: Notice was provided to DLCD on November 29, 2012.

2. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another). See also, ORS 227.186 for instructions;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

Finding: Notice to comply with ORS 227.175 was provided on January 22, 2013. See Attachment A.

3. At least ten (10) days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the City.

Finding: Public notice was published February 21, 2013, in excess of 10 days to the March 4, 2013 City Council public hearing.

4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.

Finding: An affidavit of each mailing/publication of notice will be kept in the record.

- D. **Final Decision and Effective Date.** A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within five (5) business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

Finding: Upon approval, a Notice of a Legislative Land Use decision will be mailed to all participants of record, and the Department of Land Conservation and Development within five (5) business days after the City Council decision is filed with the City Planning Official.

Appendix A

**City of Myrtle Point
424 5th Street
Myrtle Point, OR 97458**

This Public Notice is provided to inform you about upcoming hearings, and to comply with ORS 227.186, which requires the City to print most of the wording that is in this notice.

The City of Myrtle Point has proposed a land use regulation that may affect the permissible uses of your property and other properties.

On Monday, February 11 at 7:00 p.m. the City of Myrtle Point Planning Commission will hold a Public Hearing on a proposed amendment to the Myrtle Point Development Code, Ordinance # 1267. The amendment is proposed to amend the text of City of Myrtle Point Development Code which to address the issue of refinancing residential structures now considered nonconforming under the current Development Code. The City of Myrtle Point has determined that adoption of this amendment may affect the permissible uses of your property and other properties in the city, and may change the value of your property.

A copy of Ordinance # 1267 is available for inspection at the Myrtle Point City Hall located at 424 5th Street, Myrtle Point, Oregon. Ordinance # 1267 is also available for purchase at the cost of 25 cents per page.

For additional information concerning Ordinance #1267, you may call the City of Myrtle Point at 541-572-2626.

City Planning Commission Hearing

Monday, February 11 at 7:00 p.m. at the Flora M. Laird Memorial Library Meeting Room

You are invited to participate at the hearings, and in any workshops or continuation of the hearings that may be scheduled and announced at hearing. Please contact the City of Myrtle Point if you have questions or concerns.

Phone: 541-572-2626.

Appendix B

This is to notify you that Myrtle Point has proposed a land use regulation that may affect the permissible uses of your property and other properties.

On Monday, March 4 at 7:30 p.m. the City of Myrtle Point City Council will hold a Public Hearing on a proposed amendment to the Myrtle Point Development Code, Ordinance # 1267. The amendment is proposed to amend the text of the Myrtle Point Development Code which will address re-classification of existing residential structures on Industrial zoned lands considered nonconforming under the current Development Code. The City of Myrtle Point has determined that adoption of this amendment may affect the permissible uses of your property and other properties in the city, and may change the value of your property.

A copy of Ordinance # 1267 is available for inspection at the Myrtle Point City Hall located at 424 5th Street, Myrtle Point, Oregon and available for purchase at the cost of \$.25 per page.

For additional information call the City of Myrtle Point at 541-572-2626.

City Council Hearing

Monday, March 4 at 7:30 p.m. at the Flora M. Laird Memorial Library Meeting Room.

You are invited to participate at the hearings, and in any continuation of the hearings that may be scheduled and announced at hearing.

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MAR 25 2013

LAND CONSERVATION
AND DEVELOPMENT



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City of Myrtle Point
424 5th Street
Myrtle Point, OR 97458



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

