



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/29/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Myrtle Creek Plan Amendment
DLCD File Number 002-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, April 13, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: John Lazur, City of Myrtle Creek
Angela Lazarean, DLCD Urban Planner
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DEPT OF

MAR 26 2012

LAND CONSERVATION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-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

Jurisdiction: **City of Myrtle Creek**

Local file number: **N/A**

Date of Adoption: **3/20/2012**

Date Mailed: **3/23/12**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 12/9/2011

☐ 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".

Amendment to the City zoning regulations governing placement of residential accessory structures.

Amendment will allow for the placement/construction of an accessory structure in the front portion of a residentially zoned lot that is one (1) acre or larger.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

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. 002-11 (19091) [16989]

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

South Umpqua School District, Myrtle Creek Rural Fire District, Douglas County Planning Department, Myrtle Creek Fire Department, ODOT, Douglas County Building Department, Douglas County Public Works, Umpqua Transit.

Local Contact: John Lazur, Planner

Phone: (541) 863-3171 Extension:

Address: PO Box 940

Fax Number: 541-863-6851

City: Myrtle Creek

Zip: 97457

E-mail Address: jklazur@co.douglas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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 - 11x17 **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.

**CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. ORD-12-001**

AN ORDINANCE AMENDING ORDINANCE NO. 508, THE MYRTLE CREEK ZONING ORDINANCE, TO ENSURE CLARITY AND ENHANCE THE EFFECTIVENESS OF THE ORDINANCE AND TO REFLECT CHANGES TO THE STRUCTURES ACCESSORY TO RESIDENTIAL USES

WHEREAS, the City of Myrtle Creek initiated an amendment to the Myrtle Creek Zoning Ordinance; and

WHEREAS, the proposed legislative amendments enhance the land use application process in an efficient and effective manner; and

WHEREAS, the Myrtle Creek Planning Commission conducted a public hearing on the question of amending the Zoning Ordinance on January 24, 2012, and provided an opportunity of public participation in the matter; and

WHEREAS, the Planning Commission subsequently forwarded to the City Council a recommendation that the proposed amendments to the Zoning Ordinance be adopted by the City Council; and

WHEREAS, the City Council conducted a public hearing on the amendments to the Zoning Ordinance on February 21, 2012 and provided an opportunity for public participation in the matter and hereby adopts the proposed legislative amendments;

NOW, THEREFORE, the City of Myrtle Creek ordains as follows:

Section 1. Zoning Ordinance.

The official City of Myrtle Creek Zoning Ordinance No. 508 is hereby amended to the extent described in attached Exhibit A [2012 Legislative Amendments to the City of Myrtle Creek Zoning Ordinance, Adoption Draft dated December 9, 2011].

Section 2. Effective Date.

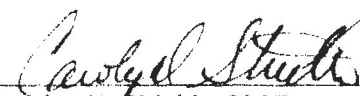
This ordinance shall take effect on the 30th day following its enactment.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 21st day of February, 2012.

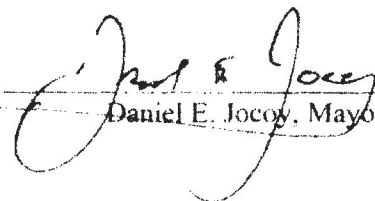
APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 20th day of March, 2012.

APPROVED BY THE MAYOR this 20th day of March, 2011.

ATTEST:



Carolyn D. Shields, CMC
City Recorder



Daniel E. Jocoy, Mayor

EXHIBIT A

**2011-2012 LEGISLATIVE
AMENDMENTS TO THE**

**CITY OF MYRTLE CREEK
ZONING ORDINANCE**

**ADOPTION DRAFT
December 9, 2011**

PLANNING COMMISSION

Workshop	October 25, 2011
Workshop	November 29, 2011
Hearing	January 24, 2012

CITY COUNCIL

Workshop	February 15, 2012
Hearing and First Reading	February 21, 2012
Second Reading	March 20, 2012

**ZONING
ORDINANCE
AMENDMENTS**

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Zoning Ordinance Amendments.....Page 2

LEGEND

Deletion	Deletion is marked with strike out function
Addition	<u>Addition</u> is marked with bold and underline
Comments	<i>Comments</i> are provided in italics

SECTION 4.03.4 STRUCTURES ACCESSORY TO RESIDENTIAL USES.

Permitted accessory structures to residential uses shall include garages and carports, guest houses, non-commercial workshops, tool, garbage and wood sheds, private tennis courts, non-commercial greenhouses or hothouses, private swimming pools, and other similar accessory structures subject to the following limitations and exceptions:

(1) Setback Exception.

An accessory structure separated from the main building by more than ten feet may be located in the rear and/or side yard provided the structure, including any architectural projection is no closer than four feet to a property line except when regulated by Section 4.03.5 for pens, cages, stables and barns.

(2) Maximum Size Structure.

An accessory structure shall not exceed one story in height (20 feet) and shall not contain more than 1,000 square feet of floor space or cover more than 25% of the lot area, whichever is smaller.

(a) Applications for recreational vehicle storage garages and similar accessory uses which exceed the square foot limit shall be processed as a Conditional Use.

(b) In accordance with the Uniform Building Code, detached accessory structures with a projected roof area of less than 200 square feet are exempt from building permit requirements but remain subject to setback requirements and other provisions of this Ordinance.

(c) A "pre-manufactured" structure larger than 250 square feet shall not be permitted as an accessory structure in residential zones unless it has been certified as meeting the same building code standards as a site built structure. A vehicle, including a travel trailer or mobile home, shall not be used as a storage shed, guest house or other accessory structure.

(3) Suburban Lot Exception

One (1) accessory building separated from the main building by more than ten feet may be located in the front portion of a lot that is one (1) acre or greater in size, provided the structure:

(a) is constructed within or perpendicularly contiguous to the side yard, however, in no case shall the structure, including architectural projections be closer than four (4) feet to the property line; and

(b) be located in the rear and/or side yard of a proposed future lot or parcel as shown in an approved redevelopment plan; and

(c) will demonstrate, through an approved site plan, that the location of the structure will maintain the characteristics of a residence, and will

not substantially obstruct the view of the house to and/or from the street.

(3)(4) Pools To Be Enclosed.

Swimming pools; over three feet in depth (whether in-ground or above-ground) shall be securely enclosed by a fence, wall or solid hedge which is a minimum of four and one-half (4½) feet in height. All exterior gates shall be provided with self-closing hardware.

(4)(5) Required Yard Area.

Pools and courts (including but not limited to aprons, walls, and equipment rooms) shall not protrude into any required side or front yard.

(5)(6) Business Prohibited.

Private pools, tennis courts, and similar accessory recreational structures located in residential districts shall not be operated as a business or a private club. Such clubs or facilities are generally a primary use and are specifically regulated.



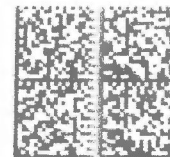
City of Myrtle Creek

207 NW Pleasant, P.O. Box 940
Myrtle Creek, OR 97457
Phone: 541-863-3171, Fax: 541-863-6851

DEPT OF

MAR 26 2012

LATE DELIVERY
AND DELIVERY



AGENCY / ACCOUNT
OFFICE / ADDRESS
PHONE / FAX
PINNEY BOXES

\$ 00.45⁰

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00 04289408

MAR 23 2012

M. MAILED FROM ZIP CODE 97470

ED MOORE, REGIONAL REP
COMMUNITY SERV. DIV, DLCD
C/O 635 CAPITOL ST, SUITE 150
SALEM OR 97301-2524

9730132340 C007

