



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: May 08, 2015
Jurisdiction: City of Myrtle Creek
Local file no.: 15-MC001
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/30/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-15 {22644}

Received: 4/30/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Myrtle Creek, OR

Local file no.: **15-MC001**

Date of adoption: April 7, 2015

Date sent: April 30, 2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): Jan 21, 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Richard Hoffman, City Planner

Phone: 541-464-6339

E-mail: rjhoffma@co.douglas.or.us

Street address: 206 NW Pleasant St.

City: Myrtle Creek

Zip: 97457-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

NA

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 29S 05W Sec. 27BA TL 800 W.M.

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from C-2	to C-3	Acres: .28
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 29S 05W Sec. 27BA TL 800/750 NE Division St.

List affected state or federal agencies, local governments and special districts: NA

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance 799 has been adopted and findings have been approved for a zone change from C-2 to C-3 also in conjunction with a CUP to convert a vacant 30'x32' structure into a small scale wood furniture manufacturing and retail business.

**CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 799**

AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE TITLE 18 ZONING; CHAPTER 18.180, AMENDMENTS AND ZONE CHANGES, BY CHANGING THE LAND USE AND ZONING DESIGNATION OF CERTAIN PROPERTY WITHIN THE CITY
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WHEREAS, the record owners of certain real property initiated an amendment to the Myrtle Creek Zoning Map by filing the proper application and addressing the prescribed filing fee; and

WHEREAS, the requested zone change is in compliance with Chapter 14 of the Myrtle Creek Comprehensive Plan; and

WHEREAS, the Myrtle Creek Planning Commission conducted a public hearing on the proposed zone change on February 24, 2015 and required notices of the proposed zone change were mailed out as prescribed under ORS 197.763; and

WHEREAS, the Myrtle Creek Planning Commission adopted certain Findings of Fact regarding the matter based upon the Findings of Fact presented to the Planning Commission on February 24, 2015 and the testimony and evidence provided during the public hearing on the matter; and

WHEREAS, the Planning Commission subsequently forwarded to the City Council a recommendation that the proposed amendments to the Myrtle Creek Municipal Code be adopted by the City Council; and

WHEREAS, the Myrtle Creek City Council conducted a public hearing on the zone change for Property I.D. No. R19070 aka., 750 NE Division Street, changing the zone designation from C-2 to C-3 and provided an opportunity for public participation in the matter and hereby adopts the proposed zone change; and

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

Section 1. Amendment of Official Zoning Map.

The official zoning map for the City of Myrtle Creek, as originally adopted by Ordinance No. 508, is hereby amended to add the zoning classification of (C-3) General Commercial for property depicted on attached Exhibit A (legal description) and Exhibit B (map). The (C-3) General Commercial zone shall apply as the primary zoning classification. The comprehensive plan map designation of commercial shall remain as the primary comprehensive plan classification.

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 17th day of March, 2015.

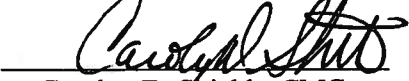
APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 7th day of April, 2015.

APPROVED BY THE MAYOR this 7th day of April, 2015.



Ken Brouillard, Mayor

ATTEST:



Carolyn D. Shields, CMC
City Recorder



CITY OF MYRTLE CREEK

207 NW PLEASANT, P.O. Box 940, MYRTLE CREEK, OR 97457
PHONE 541-863-3171, FAX 541-863-6851
WWW.CITYOFMYRTLECREEK.COM

April 8, 2015

NOTICE OF DECISION

TO: Parties to the DON & JACKIE BARNETT, request for a zone change from C-2 (Neighborhood Commercial) to C-3 (General Commercial) and a conditional use permit in order to convert a vacant commercial structure (30x32') into a small scale wood furniture manufacturing and retail business. The subject property is .28 acres in size and is described as Tax Lot 800 in Section 27BA, Township 29S, Range 5W, W.M.; Property I.D. No. R19070. Planning Department File No. 15-MC001.

FROM: Myrtle Creek Planning Department

RE: Notice of City Council Decision

This correspondence shall serve as official notice that the Myrtle Creek City Council, on April 7, 2015, approved the Don & Jackie Barnett request as stated above.

A copy of the City Council action, Ord. 799 and the City Council Findings of Fact and Decision are attached with this notice. The planning file for this matter is available for review at Myrtle Creek City Hall during regular business hours.

This decision can be appealed to the State Land Use Board of Appeals (LUBA) in Salem, Oregon, by any individual or agency who has been recognized as a party in this matter. An appeal is commenced by filing a "Notice of Intent to Appeal" not later than 21 days as the date the City Council decision was mailed. The appeal must be filed at the LUBA office in Salem. Please consult your attorney for details.

If you have any questions regarding this matter, feel free to contact me at (541) 440-6069.

Sincerely,

Stuart Cowie
City Planner
City of Myrtle Creek

**BEFORE THE CITY COUNCIL
OF THE
CITY OF MYRTLE CREEK**

IN THE MATTER of a decision by the City Council
for a zone change from C-2 (Neighborhood
Commercial) to C-3 (General Commercial) and a
conditional use permit in order to convert a vacant
commercial structure into a wood furniture manufacturing
and retail business. The property is described as Tax Lot
800 in Section 27BA, Township 29S, Range 5W, W.M.;
Property I.D. No. R19070. Planning Dept. File No.
15-MC001. Applicant; Don & Jackie Barnett.

**FINDINGS OF FACT
AND
DECISION**

INTRODUCTION & PROCEDURAL FINDINGS

- 1 This matter came before the City Council at a public hearing on March 17, 2015, in the Council Chambers at Myrtle Creek City Hall, 207 NW Pleasant St., Myrtle Creek, Oregon.
2. The matter originally came before the Myrtle Creek Planning Commission on application filed by Don & Jackie Barnett. The Planning Commission's public hearing was held on February 24, 2015, at which time the Commission made a recommendation to the City Council to approve the application.
3. The Planning Commission memorialized its decision to recommend approval in a Findings of Fact and Decision document dated February 24, 2015.
4. At the City Council meeting on March 17, 2015, the public hearing on this matter was opened and parties were given an opportunity to speak on the record. The City Council subsequently deliberated to a decision to affirm the Planning Commission decision at the March 17, 2015 public meeting.

FINDINGS

1. Upon considering the evidence and exhibits entered as part of the Planning Commission record, including the written submittals from the applicant, the written Staff Report, and the Findings of Fact and Decision signed by the Planning Commission on February 24, 2015, and in consideration of proceedings of the March 17, 2015 City Council hearing, the Council finds that the applicable decision criteria, as established in the Staff Report dated February 17, 2015, have been adequately addressed by the applicant.
2. The City Council finds that the relevant facts raised in this matter support the findings, conclusions and decision reached by the Planning Commission in their Findings of Fact and Decision, dated February 24, 2015.
3. The City Council adopts the Planning Commission Findings of Fact and Decision, attached hereto, as its own.

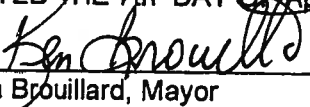
DECISION

NOW, THEREFORE, it is the decision of the Myrtle Creek City Council that Planning Dept. File No. 15-MC001 be **APPROVED**. Ordinance No. 799 acts as the final written decision changing the zone designation of the subject property from C-2 (Neighborhood Commercial) to C-3 (General Commercial).

This Findings of Fact and Decision document signed by City Council serves as the final written decision for the conditional use permit request to allow a wood furniture manufacturing and retail business, subject to the following conditions of approval:

1. The business shall provide a retail sales floor on the premises which is the principal operation of the wood furniture manufacturing and retail business.
2. The business shall operate within typical business hours from 8 am to 5 pm.
3. The applicant shall keep all equipment and storage contained inside the existing structure.
4. The applicant shall obtain an approved access permit from the Douglas County Public Works Department confirming that the access meets county standards.
5. The applicant shall obtain a business license from the City of Myrtle Creek.
6. The applicant shall obtain a planning clearance authorization worksheet from the City of Myrtle Creek prior to the commencement of the business.
7. The applicant shall obtain a building permit from the Douglas County Building Department in order to change the occupancy rating to allow for commercial retail space.

DATED THE 7th DAY OF April, 2015


Ken Brouillard, Mayor

ATTEST:


Carolyn D. Shields, City Recorder

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MYRTLE CREEK**

IN THE MATTER of a decision by the City Planning Commission for a zone change from C-2 (Neighborhood Commercial) to C-3 (General Commercial) and a conditional use permit in order to convert a vacant commercial structure into a wood furniture manufacturing and retail business. The property is described as Tax Lot 800 in Section 27BA, Township 29S, Range 5W, W.M.; Property I.D. No. R19070. Planning Dept. File No. 15-MC001.

**FINDINGS OF FACT
AND
DECISION**

PROCEDURAL FINDINGS

1. This matter came for hearing before the Planning Commission on February 24, 2015, in Myrtle Creek City Hall.
2. The application was filed and deemed complete with the city on January 20, 2015.
3. The application was deemed a Quasi-Judicial Action and referred to the Planning Commission for a public hearing, pursuant to Section 18.185.160 of the Myrtle Creek Municipal Code.
4. Notice of Public Hearing before the Planning Commission was given in accordance with Sections 18.185.170 and 18.185.180 of the City of Myrtle Creek Municipal Code. Notice was sent to affected property owners of record within 150 feet of the proposed request, to service providers, and governmental agencies on February 3, 2015.
5. The Planning Commission members present at the hearing were: Mike O'Sullivan, Philip Delaney & Lonnie Rainville.
6. There were no declarations of ex parte contact or conflict of interest by members of the Planning Commission.
 - a. There were no objections from the audience and the Planning Commissioners were qualified to hear the matter.
7. During the public hearing, the Planning Commission recognized the following parties in the matter:
 - a. Don & Jackie Barnett
 - b. Linda Hyatt
8. The file including staff exhibits 1 – 14, were entered into the record before the Planning Commission. Reference was made to the February 17, 2015, Staff Report, and findings of fact addressing the applicable provisions contained in the Myrtle Creek Comprehensive Plan, and the Myrtle Creek Municipal Code Chapter 18.180 (Amendments and Zone Changes) and Chapter 18.170 (Conditional Use Permits).

9. The subject property is currently designated Commercial on the City Comprehensive Plan Land Use Map. No change to the Commercial comprehensive plan designation is proposed.
10. It is being requested that the zoning of the property be changed from C-2 (Neighborhood Commercial) to C-3 (General Commercial) in order to enable the applicant to apply for a conditional use permit for a wood furniture manufacturing and retail business as provided within the C-3 zone.
11. The Commission provided an opportunity to hear testimony from the applicant. Don Barnett spoke about his plans for the business and how he felt it met the applicable criteria.
12. The Planning Commission provided the opportunity to hear additional testimony from parties in favor of the application. There was no other testimony given at this time.
13. The Planning Commission provided an opportunity to hear testimony in opposition to the applicants request. Linda Hyatt, a neighboring property owner indicated that although she was not in opposition, she had concerns regarding the noise that would be generated by the proposed use and or future uses.
14. The Planning Commission provided opportunity to allow the applicant to offer rebuttal testimony and/or evidence. Don Barnett and Jackie Barnett both spoke indicating they plan to be conscientious neighbors. They indicated they are planning to insulate the structure, as well as their intent to only conduct the business during routine business hours from 8 am to 5 pm.
15. The Planning Commission closed the public portion of the hearing and commenced deliberation on the application.

FINDINGS OF FACT RELATED TO DECISION

- Finding 1. The Planning Commission finds that the Comprehensive Plan promotes economic activity within the Super Y area.
- Finding 2. The Planning Commission finds that the requested conditional use permit may not occur unless a zone change from C-2 to C-3 occurs first on the subject property.
- Finding 3. The Planning Commission finds that the requested zone change from C-2 to C-3 conforms with the applicable criteria contained in the Myrtle Creek Municipal Code Section 18.180.030(1).
- Finding 4. The Planning Commission finds that the requested conditional use permit to convert a vacant commercial structure into a wood furniture manufacturing and retail business conforms with the applicable criteria contained in the Myrtle Creek Municipal Code Section 18.170.030(1-5).
- Finding 5. The Planning Commission adopts by reference the findings of the Planning Commission staff report dated February 17, 2015.
- Finding 6. The Planning Commission finds that the recommended conditions of approval as contained in the staff report are necessary in order for the proposal to conform with the applicable criteria.

CONCLUSION

1. A motion was made by Commissioner Rainville and seconded by Commissioner Delaney, recommending City Council approve the proposed zone change from C-2 to C-3 and approve the conditional use permit to allow a wood furniture manufacturing and retail business within the C-3 zone, based upon the findings of the staff report and testimony brought forth during the public hearing process, which recognize the approval criteria have been satisfied, subject to conditions 1 - 7 as contained within the staff report. The motion passed unanimously.

DECISION

NOW, THEREFORE, it is the decision of the Myrtle Creek Planning Commission that Planning Dept. File No. 15-MC001 be **APPROVED**. This approval will serve as a recommendation to the City of Myrtle Creek City Council to change the zone designation from C-2 (Neighborhood Commercial) to C-3 (General Commercial) and approve the conditional use permit to allow a wood furniture manufacturing and retail business, subject to the following conditions of approval:

1. The business shall provide a retail sales floor on the premises which is the principal operation of the wood furniture manufacturing and retail business.
2. The business shall operate within typical business hours from 8 am to 5 pm.
3. The applicant shall keep all equipment and storage contained inside the existing structure.
4. The applicant shall obtain an approved access permit from the Douglas County Public Works Department confirming that the access meets county standards.
5. The applicant shall obtain a business license from the City of Myrtle Creek.
6. The applicant shall obtain a planning clearance authorization worksheet from the City of Myrtle Creek prior to the commencement of the business.
7. The applicant shall obtain a building permit from the Douglas County Building Department in order to change the occupancy rating to allow for commercial retail space.

DATED THE 24th DAY OF February, 2015


Michael O'Sullivan IV, Chairman

ATTEST:


Carolyn D. Shields, City Recorder



City of Myrtle Creek

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



City of Myrtle Creek

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LINDA HYATT
741 NE DIVISION STREET
MYRTLE CREEK OR 97457

DON & JACKIE BARNETT
601 S MAIN STREET
MYRTLE CREEK OR 97457