



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

August 1, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Myrtle Creek Plan Amendment  
DLCD File Number 001-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 14, 2006**

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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Lisa Hawley, City Of Myrtle Creek

<paa> ya/



JUL 25 2006

**D L C D NOTICE OF ADOPTION**

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Myrtle Creek Local File No: None  
(if no number, use none)

Date of Adoption: July 18, 2006 Date Mailed: July 24, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: April 7, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

Legislative amendments to the City of Myrtle Creek Zoning Ordinance and City of Myrtle Creek Subdivision Ordinance to implement miscellaneous reorganization and minor text clarifications to improve the Ordinances

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Same

Plan Map Changed From: N/A to N/A

Zone Map Changed From: N/A to N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goals 1, 2, 12 & 14

Was an Exception Adopted? Yes:  No:

=====  
DLCD File No: 001-06(15137)

Did the Department of Land Conservation and Development **receive** a Notice of Proposed Amendment **FORTY- FIVE (45) days prior to the first evidentiary hearing?** Yes: X No:    

If no, do the Statewide Planning Goals apply? Yes:     No:    

If no, did The Emergency Circumstances Require immediate adoption? Yes:     No:    

Affected State or Federal Agencies, Local Government or Special Districts: City of Myrtle Creek, Douglas County, Oregon Department of Transportation, Douglas County Surveyor and Douglas County Clerk

Local Contact: Lisa Hawley, Staff Planner

Area Code + Phone Number: (541) 863-3171

Address: PO Box 940 City: Myrtle Creek, Oregon Zip Code + 4: 97457

Fax Number: (541) 863-6851 Email Address: lahawley@co.douglas.or.us

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### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form on to 8½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF MYRTLE CREEK  
ORDINANCE NO. 749**

AN ORDINANCE AMENDING ORDINANCE NO 508, THE MYRTLE CREEK  
ZONING ORDINANCE, AND ORDINANCE NO 469, THE MYRTLE CREEK  
SUBDIVISION ORDINANCE.

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

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

**WHEREAS**, the Planning Commission conducted a public hearing on the question of amending the Zoning and Subdivision Ordinance on May 23, 2006 and provided an opportunity for public participation in the matter; and

**WHEREAS**, the Planning commission subsequently forwarded to the City Council a recommendation that the zoning and subdivision amendments be adopted by the City Council; and

**WHEREAS**, the City Council conducted a public hearing on the zoning and subdivision amendment on June 20, 2006 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/Subdivision Ordinance Amendments.**

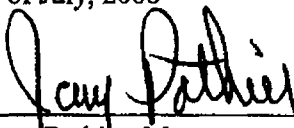
The official City of Myrtle Creek Zoning Ordinance and Subdivision Ordinance are hereby amended to extent described on attached Exhibit A (Zoning Ordinance and Subdivision Ordinance Amendments).

**Section 2. Effective Date**

This ordinance shall take effect on the 30<sup>th</sup> day following its enactment

**PASSED** by the City Council this 20<sup>th</sup> day of June, 2006

**APPROVED** by the City Council this 18<sup>th</sup> day of July, 2006

  
\_\_\_\_\_  
Jerry Pothier, Mayor

Attest:  
  
\_\_\_\_\_  
Carolyn Shields, Recorder



**2006 LEGISLATIVE  
AMENDMENTS TO THE**

**CITY OF MYRTLE CREEK  
ZONING ORDINANCE**

**&**

**CITY OF MYRTLE CREEK  
SUBDIVISION ORDINANCE**

**FINAL DRAFT  
JUNE 19, 2006**

**PLANNING COMMISSION  
MAY 23, 2006**

**CITY COUNCIL  
JUNE 20, 2006  
JULY 18, 2006**





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**ZONING  
ORDINANCE  
AMENDMENTS**



**2006 PROPOSED LEGISLATIVE AMENDMENTS  
FOR  
CITY OF MYRTLE CREEK  
JUNE 15, 2006**

**PROPOSED AMENDMENTS TO ZONING ORDINANCE**

**SECTION 5.01.0 SITE REVIEW PROCEDURE.**

No structure shall be erected, constructed, reconstructed, extended or moved and no land or building shall be occupied or used in whole or in part for any use whatsoever until the owner, tenants, contract purchaser, or authorized agent thereof, has received verification that the building or use complies with all zoning requirements.

At the time of the erection of any new commercial, industrial, or public/semi-public building or other structure, or any new multi-family residential development of three dwelling units or more, or at the time of the enlargement in height or ground coverage or intensification of use substantial improvement of more than 50% of the gross floor area or more than 3000 square feet of increased parking area, whichever is greater, of any existing building or other structure, a site review shall be conducted. All applications and accompanying site plans shall be reviewed by the City Administrator or the City Administrator's designee Planning/Engineering Department and, when applicable, by the Planning Commission. To approve such application for development, it shall be determined that the proposed development maintains or improves the character, integrity, and harmonious development of the general area and provides a safe, stable, efficient and attractive on-site environment consistent with the intent of this Ordinance and the Comprehensive Plan. The criteria set forth in Section 5.01.1 and the applicable standards and procedures contained in this Article shall be utilized in making such determination. Such site review requests shall be reviewed and processed in accordance with the procedures detailed in Article IX. After the site plan is formally approved, a "Certificate of Plan Check" shall be issued.

**SECTION 5.01.1 SITE REVIEW CRITERIA.**

The site review shall be conducted in accordance with the criteria set forth herein. All applications and accompanying site plans shall be reviewed by the City Administrator or the City Administrator's designee and, when applicable, by the Planning Commission. Any development proposal which deviates from the established criteria shall be referred to the Planning Commission for determination. The Planning Commission shall have the power to impose any or all of the supplemental conditions set forth in Section 5.01.2 in making their determination.

**SECTION 5.11.3 APPROVAL PROCEDURE.**

**(3) Stage 3. - Final Approval.**

Within one year after approval of the preliminary plan, the applicant shall file a final plan for the entire development. . . . Upon receipt of the final plan, the Planning Commission City Administrator or the City Administrator's designee shall examine such plans and documents to determine whether they substantially conform in all substantial respects to the previously approved preliminary plan and the stipulations of the Conditional Use Permit. If the Planning Commission City Administrator or the City Administrator's designee should require any changes, the Commission Administrator shall permit the applicant to revise the plan and/or documents and resubmit the final plan within 60 days. The decision of the Planning Commission City Administrator shall be final subject to the procedures of Paragraph (4) of this Section. Final approval, either for a phase or for the entire plan, shall be valid for a 12 month period. ~~However, the Planning Commission~~

City Administrator or the City Administrator's designee, in its discretion, may extend approval for an additional one (1) year period provided a written request from the applicant is submitted prior to the expiration date, stating the reason why an extension should be granted. six month periods provided written request from the applicant is submitted prior to the expiration date.

(4) Filing of Plats.

In the case of a Planned Development which involves a subdivision or condominium plat and upon Planning Commission City Administrator or the City Administrator's designee determination that the final plan and supplementary documents conform to all requirements, ~~the following shall apply:~~

- (a) ~~The Planning Commission shall give its approval and forward the subdivision plat to the City Council to be signed by a representative of the City in accordance with the procedures regulating subdivisions~~ When compliance with conditions has been assured, the plat shall be signed by the City Administrator. The subdivider shall, without delay, submit the plat for all other signatures required by law. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date of the last required signature.

**SECTION 6.01.5 NONCONFORMING LOTS OF RECORD.**

A building or structure may be erected on any existing single lot of record even though such lot fails to meet the requirements for area or width or both provided that yard dimensions and requirements other than those applying to the area or width or both shall conform to the regulations for the District in which such lot is located. Variance to yard requirements shall be obtained ~~only~~ through action of the Planning Commission City Administrator or the City Administrator's designee.

**SECTION 6.03.11 TIME LIMIT ON A VARIANCE APPROVAL.**

Authorization of a Variance shall be void after ~~six months~~ one (1) year unless substantial construction pursuant thereto has taken place. However, the Planning Commission City Administrator or the City Administrator's designee may, in his discretion, extend authorization for an additional ~~six months~~ one (1) year provided a written request from the applicant is submitted prior to the expiration date.

**SECTION 7.01.4 APPLICATION PROCEDURE AND SERVICE CHARGE.**

A request for a Conditional Use Permit or modification of an existing Conditional Use may be initiated by a property owner or his authorized agent by filing an application with the Planning Department ~~at least 18 days prior to the date of hearing.~~ The application shall include the information set forth in Section 9.02.0 and any drawings or materials essential to the understanding of the proposed use and its relationship to the surrounding properties. The application shall be accompanied by a service charge established by ~~the adoption of the City of Myrtle Creek Handbook of Fees and Charges.~~

**SECTION 7.01.5 TIME LIMIT ON PERMIT.**

Authorization of a Conditional Use Permit shall be void after ~~6 months~~ one (1) year unless the use requested has commenced operation or unless substantial construction pursuant thereto has taken place. ~~However, The City Administrator or the City Administrator's designee~~ may extend authorization for an additional ~~6 months~~ one (1) year provided a written request from the applicant is submitted prior to the expiration date.

**SECTION 9.03.0(2) PROCESSING PROCEDURES.**

(2) Site Review.

No structure shall be erected, constructed, reconstructed, extended or moved and no land or building shall be occupied or used in whole or in part for any use whatsoever until the owner, tenants, contract purchaser, or authorized agent thereof, has received verification that the building or use complies with all zoning requirements.

At the time of the erection of any new commercial, industrial, or public/semi-public building, or any new multi-family residential development of three dwelling units or more, or at the time of the substantial improvement of more than 50% of the gross floor area or more than 3000 square feet of increased parking area, whichever is greater, of any existing building, a site review shall be conducted. All site plans shall be evaluated subject to the procedures, standards and limitations set forth in Article V. All required applications and accompanying site plans shall be reviewed by the City Administrator or the City Administrator's designee and, when applicable, by the Planning Commission. A Certificate of Plan Check shall be issued by the Planning/Engineering Department upon order of the City Administrator or the City Administrator's designee, Planning Commission or City Council as authorized by the various provisions of this Ordinance.

**SECTION 9.05.0 APPEALS.**

(1) An interpretation, action, or ruling by the City Administrator pursuant to this Ordinance may be appealed by an affected or aggrieved party to the Planning Commission as follows: . . .

(b) The appellant shall, within ~~10 days~~ 12 days from the date the decision was mailed, file written notice of the appeal with the City Administrator. The appeal shall be accompanied by the service charge, if any, established for appeals in the *Myrtle Creek Handbook of Fees and Charges*; and . . .





**SUBDIVISION  
ORDINANCE  
AMENDMENTS**



## **PROPOSED AMENDMENTS TO SUBDIVISION ORDINANCE**

### **SECTION 2.070. APPROVAL OF TENTATIVE SUBDIVISION PLAN.**

4. The action or ruling of the Planning Commission may be appealed by an affected or aggrieved party to the City Council within ~~thirty (30)~~ ten (10) days after the Planning Commission has rendered its decision on the tentative plan. Written notice of the appeal shall be filed in accordance with Section 9.025 of this ordinance.

### **SECTION 2.080. STAGED DEVELOPMENT FOR SUBDIVISION.**

When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the Planning Commission may authorize a time schedule for platting up to as many as three stages the various stages in periods of time in excess of one (1) year such as one (1) year for first stage, two (2) years for second stage, and three (3) years for third stage, but in no case shall the total time period for platting all stages be greater than ~~five (5) years~~ four (4) years without resubmission of the tentative plan as a new application. Each stage so platted and developed shall conform to the applicable requirements of this ordinance. ~~Portions platted after the passage of one (1) year may be required to have modifications to avoid conflict with a change in the Comprehensive Plan or implementing regulations (i.e., Zoning Ordinance).~~ If any other secondary permits are required for the development, the time period shall be included in the initial approval of the permit applications. The City Administrator or the City Administrator's designee may, in his discretion, extend authorization for an additional one (1) year provided a written request from the applicant is submitted prior to the expiration date, stating the reason(s) why an extension should be granted.

### **SECTION 3.010. SUBMISSION OF THE SUBDIVISION PLAT.**

Within one (1) year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit the original drawing, five (5) prints and any supplementary information to the City. The City Administrator or the City Administrator's designee may, in his discretion, extend authorization for an additional one (1) year provided a written request from the applicant is submitted prior to the expiration date, stating the reason(s) why an extension should be granted. If the subdivider wishes to proceed with the subdivision after the expiration of the ~~one (1) year~~ approval period ~~following the approval of the tentative plan,~~ he must submit a new tentative subdivision plan and application, and make any revision necessary to meet conditions.

### **SECTION 3.050. APPROVAL OF THE PLAT.**

Upon receipt of the plat ~~with the recommendation of the City Engineer, the Planning Commission~~ City Administrator or the City Administrator's designee shall determine whether the plat is in substantial conformance with the provisions of the tentative plan as approved. ~~If the Planning Commission~~ City Administrator or the City Administrator's designee does not approve the plat, ~~it shall advise the subdivider~~ shall be advised of the changes or additions that must be made and shall be afforded him an opportunity to make corrections. ~~If the Planning Commission~~ The City Administrator or the City Administrator's designee shall determines that the plat conforms to all requirements ~~it shall give its approval, provided~~ , and that the required supplemental documents and provisions for any necessary required improvements have been satisfied. ~~are satisfactory.~~ ~~The Planning Commission shall send their recommendation forward to the City Council for their approval.~~ When compliance with conditions has been assured, the plat shall be signed by a ~~representative of the City~~ Administrator. The approval of the plat does not constitute or effect an acceptance by the City for maintenance of any dedicated street or easement shown on the plat.

## SECTION 5.020. APPROVAL OF PRELIMINARY PLAN.

### 4. Appeal:

- A. The action or ruling of the Administrator on a Land Partition may be appealed by an affected or aggrieved party to the Planning Commission within ~~fifteen (15)~~ twelve (12) days after the Administrator has rendered its decision on the preliminary plan.

## SECTION 5.025. PREPARATION OF FINAL MAP.

- ~~1. Within ninety (90) days after approval of the preliminary plan by the Administrator, the partitioner shall cause the property to be surveyed.~~
- ~~2.1. Within one hundred eighty (180) days~~ one (1) year after approval of the preliminary plan by the Administrator there shall be submitted to the City a Final Map prepared in conformance with the preliminary plan as approved. The partitioner shall submit the original map and one print along with any supplemental information to the City. The City Administrator or the City Administrator's designee may, in his discretion, extend authorization for an additional one (1) year provided a written request from the applicant is submitted prior to the expiration date, stating the reason(s) why an extension should be granted.

### SECTION 5.025.3.(D)

- 3.1. A space for date and signatures of City Recorder ~~and Administrator~~ indicating approval of the map. The City Administrator is authorized to endorse approval on behalf of the City Council for a A Land Partition which includes the creation of a street shall also include a space for date and signature of City Council approval.

## SECTION 5.030.4. APPROVAL OF FINAL MAP

4. The final map will then be forwarded to the Administrator ~~with the recommendation of the City Engineer and, when compliance with conditions has been assured, the map shall be signed by the Administrator. All copies shall be marked with the date of approval. Approval of a Land Partition shall be considered final. Approval of a Land Partition which includes the creation of a street requires the map to be submitted and to the City Council and shall be considered final when properly endorsed by the Mayor~~ endorsed by the City Administrator on behalf of City Council.

## SECTION 7.020 STREETS

9. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City Administrator or the City Administrator's designee on behalf of the City Council.

## SECTION 8.050.4 PROPERTY LINE ADJUSTMENT

4. Within ~~sixty days~~ six (6) months from the date of preliminary approval, the applicant shall submit a survey map which conforms with the requirements of Section 5.025 of this Ordinance, . . .