



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

NOTICE OF ADOPTED AMENDMENT

December 5, 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 002-06



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: December 18, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

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

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FORM 2

DEPT OF

NOV 28 2006

D L C D NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

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

(See reverse side for submittal requirements)

Jurisdiction: City of Myrtle Creek Local File No: 06-MC016 (if no number, use none)

Date of Adoption: November 21, 2006 (Must be filled in) Date Mailed: November 27, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 9, 2006

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Applicant (School District No. 19) proposed to convert vacant 9.87 acre school property from public/semi-public to low density residential to allow for future division consistent with the surrounding low density residential area.

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: Public/Semi-Public to Low Density Residential

Zone Map Changed From: (SD/CS) Special District - Community Services to (R-1) Low Density Residential

Location: SE Neal Lane, Myrtle Creek Acres Involved: 9.87 acres

Specify Density: Previous: No DU's permitted New: 3 to 5 DU/acre

Applicable Statewide Planning Goals: Goals 1, 2, 5, 8, 10 and 12

Was an Exception Adopted? Yes: No: X

DLCD File No: 002-06 (15449)

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 (water, sewer, fire and police); Douglas County; ODOT; School District No. 19; and Umpqua Transit

Local Contact: Lisa Hawley, Planner Area Code + Phone Number: (541) 863-3171

Address: PO Box 940, 207 NW Pleasant St City: Myrtle Creek, Oregon Zip Code + 4: 97470

Email: lahawley@co.douglas.or.us (County) or lhawley@ci.myrtle-creek.or.us (City)

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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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 753

AN ORDINANCE AMENDING ORDINANCE NO. 508 AND ORDINANCE NO. 513, THE MYRTLE CREEK ZONING AND COMPREHENSIVE PLAN ORDINANCES, BY CHANGING THE LAND USE AND ZONING DESIGNATION AND COMPREHENSIVE PLAN MAP DESIGNATION OF CERTAIN PROPERTY WITHIN THE CITY OF MYRTLE CREEK

WHEREAS, the record owners of certain real property initiated an amendment to the Myrtle Creek Comprehensive Plan Map and Zoning Map by filing the proper application and addressing the prescribed filing fee; and

WHEREAS, the Myrtle Creek Planning Commission conducted a public hearing on the Comprehensive Plan Map Amendments and Zoning District change request on September 26, 2006, and provided the opportunity of public participation in the matter; and

WHEREAS, the Planning Commission adopted certain Findings of Fact regarding the matter and forwarded the Findings to the City Council together with a recommendation that the request for Comprehensive Plan Map Amendments and Zoning District change be formally adopted by the Council; and

WHEREAS, the City Council adopted Findings of Fact supporting the Planning Commission's decision to approve the requested Comprehensive Plan Map Amendments and Zoning District change;

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 change the zoning classification for property depicted on attached Exhibit A from (SD/CS) Special District - Community Services to (R-1) Low Density Residential. The designation of (R-1) Low Density Residential shall apply as the primary zoning classification.

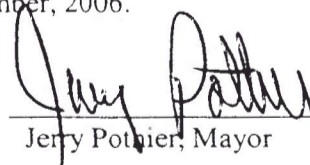
Section 2. Amendment of Comprehensive Plan Map

The official comprehensive plan map for the City of Myrtle Creek, as originally adopted by Ordinance No. 513, is hereby amended to change the comprehensive plan designation for property depicted on attached Exhibit A from Public/Semi-Public to Low Density Residential. The designation of Low Density Residential shall apply as the primary comprehensive plan classification.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 17th day of October, 2006.

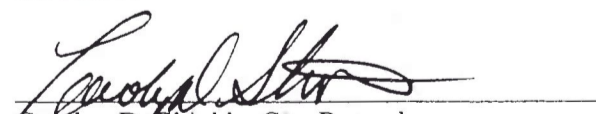
APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 21st day of November, 2006.

APPROVED BY THE MAYOR this 21st day of November, 2006.



Jerry Potier, Mayor

ATTEST:



Carolyn D. Shields, City Recorder

Exhibit A

A parcel of land situated in Section 27, Township 29 South, Range 5 West, Willamette Meridian, Douglas County, Oregon, described as follows:

Beginning at a 2 inch iron pipe at the Southwest corner of Lot 3, Block 2, Short Addition to the City of Myrtle Creek, Douglas County, Oregon, said point of beginning being also South $64^{\circ} 01' 30''$ West 4207.72 feet and South $89^{\circ} 28'$ East along the northerly line of Short Addition to Myrtle Creek, 1576.33 feet, and South $01^{\circ} 42'$ West 427.24 feet from the Northeast corner of Lazarus Wright Donation Land Claim No. 45, of said township and range, thence South $01^{\circ} 42' 00''$ West 420.00 feet, along the westerly line of Block 1 and 2 of Short Addition to Myrtle Creek, to the southerly line of that parcel of land described in Douglas County Deed Records, Volume 104, Instrument No. 27242; thence North $89^{\circ} 38' 54''$ West along said Southerly line 1023.00 feet; thence North $01^{\circ} 42' 00''$ East 420.00 feet, thence South $89^{\circ} 38' 54''$ East 1023.00 feet to the point of beginning.

VICINITY MAP
T29S R5W SEC 27

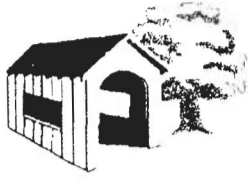
Exhibit B

SCHOOL DIST. NO 19
P/D 06-MC016



CITY OF MYRTLE CREEK PLANNING DEPARTMENT





CITY OF MYRTLE CREEK

207 NW PLEASANT, P.O. BOX 940, MYRTLE CREEK, OR 97457
PHONE 541-863-3171, FAX 541-863-6851

October 12, 2006

STAFF REPORT

TO: MYRTLE CREEK CITY COUNCIL

FROM: MYRTLE CREEK PLANNING DEPARTMENT

RE: SCHOOL DISTRICT NO. 19, request for a Comprehensive Plan Map amendment from Public/Semi-Public to Low Density Residential and a Zone Change from (SD/CS) Special District - Community Services to (R-1) Low Density Residential on a 9.87 acre parcel located west of SE Neal Lane, opposite its intersection with SE Myrtle View Drive and east of SE Redwood Avenue in the City of Myrtle Creek. The property is described as Tax Lot 900 in Section 27, Township 29S, Range 5W, W.M.; Property I.D. No. R61936. Planning Department File No. 06-MC016.

INTRODUCTION

The applicant, School District No. 19, is requesting a Comprehensive Plan Map Amendment from Public/Semi-Public to Low Density Residential and a Zone Change from (SD/CS) Special District - Community Services to (R-1) Low Density Residential. The applicant owns a 9.87 acre parcel located west of SE Neal Lane, opposite its intersection with SE Myrtle View Drive and east of SE Redwood Avenue in the City of Myrtle Creek. The property is located within the city limits and the Myrtle Creek Urban Growth Boundary. The property is addressed as 0 SE Myrtle View Drive.

The Myrtle Creek Planning Commission, at its regular meeting on September 26, 2006, held a public hearing on the applicant's requested comprehensive plan map amendment and zone change of the property. The following parties were established at the Planning Commission hearing: School District No. 19, applicant; i.e. Engineering, Jennifer Kruse, applicant's representative; Douglas County Public Works, Vic Cangie; Douglas County Planning, Stephanie Morgan; Chuck Danskey, and Melvin and Sharon Pires.

The Planning Commission, after hearing testimony from the applicant, unanimously voted to forward a recommendation to City Council to approve the requested Comprehensive Plan Map Amendment and Zone Change from Public/Semi-Public to Low Density Residential and a Zone Change from (SD/CS) Special District - Community Services to (R-1) Low Density Residential, based upon the findings of the staff report dated September 19, 2006, in support of their decision.

An amendment to the Myrtle Creek Comprehensive Plan Map and Zoning Map is subject to review by both the Myrtle Creek Planning Commission and City Council. Should the Council agree with the Planning Commission's recommendation and findings of facts, the Council shall by ordinance effect such change of plan map and zone designation (ordinance attached).

FINDINGS OF FACT

1. The applicant has been in the process of preparing a district-wide building facilities plan to meet their facility needs currently and in the future for the South Umpqua School District. The Board has determined as part of the District's facilities plan that the vacant school property no longer fits into the District's plans for use as a school and intends to sell the surplus property. The requested Plan Amendment and Zone Change will help facilitate future residential development which is consistent with the surrounding low density residential properties.
2. The Comprehensive Plan Map Amendment and Zone Change Applications were filed with the City on July 31, 2006, and were deemed completed on August 2, 2006.
3. DLCD Notice of Proposed Amendment was mailed to the Department of Land Conservation and Development on August 9, 2006, which was at least 45 days prior to the public hearing on September 26, 2006.
4. The applicant/owner has multiple access points to the property: SE Myrtle View Drive and SE Redwood Avenue. The Comprehensive Plan identifies a future necessary local street (for the extension of Myrtle View Drive) extending through the property to connect SE Neal Lane and SE Redwood Avenue.
5. The subject property has access to public water and sanitary sewer through the City of Myrtle Creek along both SE Neal Lane and SE Redwood Avenue.
6. Present Situation: The 9.87 acre property is located in the south-southeast portion of Myrtle Creek between SE Neal Lane and SE Redwood Avenue. The subject property is surrounded on the north, west, east, and southeast by existing low density residential development. The properties to the south are generally vacant, but have been approved for low density development (Fairway Estates and Park Creek Estates). The closest commercially-zoned properties are located over one mile west and southwest of the subject property in downtown and along South Main Street (Old Pacific Highway). The subject property is undeveloped. The applicant is not requesting any development review for the property at this time.
7. Plan Designation: Public/Semi-Public designation. The applicant is requesting an amendment to the Low Density Residential plan designation.
8. Zone Designation: (SD/CS) Special District - Community Services. The applicant is requesting an amendment to the (R-1) Low Density Residential zone.

Applicable Criteria

9. The requested application is subject to conformance with the applicable Statewide Planning Goals and the applicable findings and policies of the Myrtle Creek Comprehensive Plan and Zoning Ordinance. Based upon the applicable criteria, the following findings are made:

- a. The findings of the Staff Report, dated September 19, 2006, demonstrate that the requested amendment substantially conforms with the applicable Statewide Planning Goals, including Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), Goal 6 (Air, Water and Land Resource Quality), Goal 7 (Areas Subject to Natural Disasters and Hazards), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation), Goal 13 (Energy Conservation), and Goal 14 (Urbanization).
- b. The findings also demonstrate conformance with the applicable Comprehensive Plan policies:
 - i. There are no identified or protected uses that would conflict with the increased residential use of this property. The City zoning and development standards provide regulations for site development and provide for the protection and preservation of natural resources.
 - ii. The site gently slopes from east to west at approximately 5% slopes. Natural drainage flows generally west-southwest toward South Myrtle Creek. The developer will be required to address and mitigate storm water runoff at the time of development.
 - iii. The subject parcel is adequately sized for future residential development. The City has review standards that limit development in areas subject to any natural hazards.
 - iv. There are several parks and recreational facilities maintained by the City, primarily near the city center. The Comprehensive Plan does identify a need for additional public park and recreational facilities in the Tri-City portion of the Myrtle Creek UGB. No planned facilities are identified on the subject property.
 - (1) The Myrtle Creek City Council, at its meeting on August 15, 2006, stated that the City has no interest in acquiring the subject property from the applicant for another public park or recreational area. The applicant has deemed in its District-wide facilities plan that the subject property is considered surplus land. Although there are policies about possible acquisition of the subject site for a future public park, the City and the City Parks Department have chosen not to purchase the property at this time since no funding is available.
 - v. The change in density from Public/Semi-Public to Low Density Residential created by this proposal does not alter the plan policies identified for recreational facilities needed to serve the recreation needs of the residents of the City of Myrtle Creek.
- c. There are no industrial or commercially designated lands involved in the proposed plan amendment. The proposed future development of additional housing units will have a temporary economic benefit to the area during construction. The proposed residential density change will not have a significant impact on the economic development within the City of Myrtle Creek.

- d. Rezoning of the subject property will have a positive impact on the City's ability to meet the overall housing needs for its urban area. The proposal provides needed housing identified in the statewide planning goals and the Myrtle Creek Comprehensive Plan.
- e. The subject property is located within city limits and the Urban Growth Boundary and has access to both public water and sewer services.
- f. The City of Myrtle Creek has adequate public facilities and services available to serve any future development of this property which may be allowed with the plan map amendment and zone change. Future development of the site will require the extension of these public facilities, including the development of storm water facilities to address natural and surface drainage. In addition, there is also adequate police protection, fire protection and emergency services to serve the property when it is developed. Other utilities such as electric, gas and cable service are available, and will be required to be installed underground at the time of development.
- g. The Myrtle Creek TSP identifies planned transportation improvements that are intended to facilitate traffic safety and circulation with the City. These planned improvements include improvement of Riverside Drive with the addition of future traffic signals, one at the intersection of South Main Street and Riverside Drive, and another at the intersection of Riverside Drive and the future extension of NE Spruce Street. Other planned improvements include the improvement of SE Neal Lane and the construction of the extension of a necessary local street from SE Myrtle View Drive to SE Redwood Avenue.
 - i. The applicant submitted a conceptual road layout and traffic circulation map which identifies the extension of SE Redwood Avenue connecting into SE Myrtle View Drive at Neal Lane. The future development of the site is anticipated to be a maximum of 40-50 dwelling units, which is approximately 400-500 ADT (Average Daily Traffic). The applicant asserts, based upon the location of the property, that the traffic circulation and anticipated ADT (480± ADT) will be generally divided between SE Neal Lane and SE Redwood Avenue.
 - ii. The long-term development of Riverside Drive and SE Neal Lane could be impacted by the subdivision improvements and traffic generated by the future development of the subject property. At this time, the City does not have a Transportation System Development Charge (SDC). However, at the time of subdivision development on the subject property, an agreement between the City and developer should be considered as a condition of approval to require the developer to be responsible for their proportionate share of these planned improvements for Riverside Drive and SE Neal Lane.
 - iii. At the time of the future development, the applicant will be required to coordinate with the City for the construction of the extension of the necessary local street from SE Myrtle View Drive to SE Redwood Avenue to City standards.
- h. Any future development will be required to include planned sidewalks and be able to accommodate the use of bicycle traffic so as to encourage use of less energy intensive transportation and implement energy efficient measures in the construction of structures on the property.

- i. The entire property is located within city limits and within the urban growth boundary, and is surrounded on all sides by existing or developing low density residential development. The proposed area is suitable for efficient expansion of infrastructure due to its proximity to adjacent residential uses and other city services.
- j. In addition, the proposed change is consistent with the Comprehensive Plan and does not significantly affect a transportation facility. It does not change the functional classification of an existing or planned transportation facility, including Interstate 5, Main Street, Riverside Drive or Neal Lane. It is not anticipated that the proposed change will reduce the performance standards of the transportation facility below the minimum acceptable level identified in the TSP.

CONCLUSION AND RECOMMENDATION

In conclusion, the applicant's requested Comprehensive Plan Map Amendment from Public/Semi-Public to Low Density Residential and a Zone Change from (SD/CS) Special District - Community Services to (R-1) Low Density Residential substantially conforms with all the applicable criteria, including the Statewide Planning Goals and the findings and policies of the City of Myrtle Creek Comprehensive Plan and Zoning Ordinance. Due to the nature of the existing low density residential development surrounding the property and the availability of city services and infrastructure that can be extended to serve the site, the applicant's proposed increase in residential density will be appropriate and suitable for the area.

Furthermore, the proposed request will be consistent with the general purpose of the Low Density Residential (R-1) zoning classification. The applicant will be required to submit a development proposal for review prior to any further development on the subject property. The future development will have to be consistent with the R-1 zoning classification and the design standards of the City's zoning and subdivision ordinances.

At this time, the City does not have a Transportation SDC. At the time of future subdivision development on the subject property, an agreement between the City and developer should be considered as a condition of approval to require the developer to be responsible for their proportionate share of the transportation planned improvements for Riverside Drive and SE Neal Lane.

ALTERNATIVES

1. Approve the requested Comprehensive Plan Map Amendment from Public/Semi-Public to Low Density Residential and a Zone Change from (SD/CS) Special District - Community Services to (R-1) Low Density Residential by the first reading of Ordinance No. _____.
2. Deny the request based on findings, which would not support the proposed Comprehensive Plan Map Amendment and Zone Change.
3. Take no action at this time.