



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 2, 2007

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 001-07



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: July 13, 2007

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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PROP **2**

DLCD

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

in person electronic mailed

DEPT OF

JUN 25 2007

**LAND CONSERVATION
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Myrtle Creek**

Local file number: **07-MC004**

Date of Adoption: **6/19/2007**

Date Mailed: **6/22/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/8/2007**

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".

Applicant (Zwart) proposed to convert residentially developed lot from Commercial to High Density Residential to be consistent with the existing residential uses on the property and the surrounding residential uses in the neighborhood. Property is located within city limits.

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

Plan Map Changed from: **Commercial**

to: **High Den Residential**

Zone Map Changed from: **Community Comm (C-2)**

to: **High Den Res (R-3)**

Location: **NE Division Street, Myrtle Creek**

Acres Involved: **0**

Specify Density: Previous: **n/a**

New: **11-25 du/ac**

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...

45-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. _____

001-01 (15941)

ORDINANCE NO. 758

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

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 April 24, 2007, 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 (C-2) Neighborhood Commercial to (R-3) High Density Residential. The designation of (R-3) High Density Residential shall apply as the primary zoning classification.

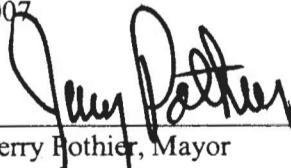
Section 2. Amendment of Comprehensive Plan Map

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 Commercial to High Density Residential. The designation of High Density Residential shall apply as the primary comprehensive plan classification.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 15th day of May, 2007.

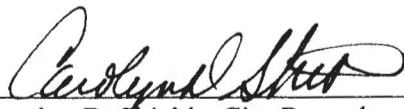
APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 19th day of June, 2007.

APPROVED BY THE MAYOR this 19th day of June, 2007



Jerry Hothier, Mayor

ATTEST:



Carolyn D. Shields, City Recorder

EXHIBIT "A"

A parcel of land described as Lot 3 and the westerly ½ of Lot 2, Block 1, JOHNSON'S ADDITION, in the City of Myrtle Creek, Douglas County, Oregon.

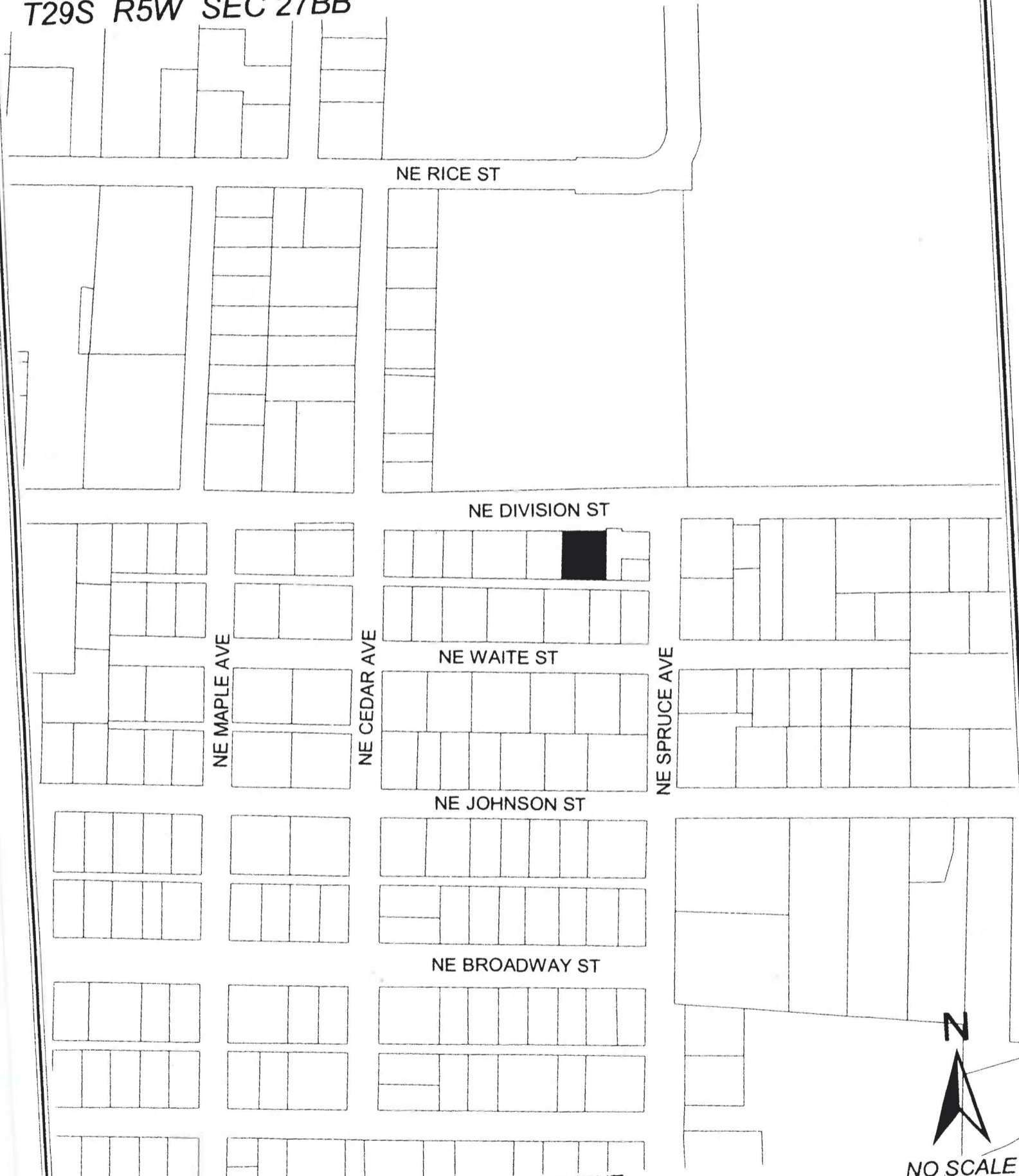
EXCEPTING THEREFROM that portion granted to the City of Myrtle Creek described in Recorder's No. 88-7495, records of Douglas County, Oregon.

T29S, R05W, S22BB, TL 300

VICINITY MAP
T29S R5W SEC 27BB

EXHIBIT "A"
- continued -

ZWART
07-MC004



NO SCALE

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

May 9, 2007

STAFF REPORT

TO: MYRTLE CREEK CITY COUNCIL

FROM: MYRTLE CREEK PLANNING DEPARTMENT

RE: CAREN ZWART, request for a Comprehensive Plan Map amendment from Commercial to High Density Residential and a Zone Change from (C-2) Neighborhood Commercial to (R-3) High Density Residential on a 0.15 acre parcel located on the south side of NE Division Street, near its intersection with NE Spruce Street in the City of Myrtle Creek. The property is described as Tax Lot 300 in Section 27BB, Township 29S, Range 5W, W.M.; Property I.D. No. R17750, and is addressed as 512 NE Division Street. Planning Department File No. 07-MC004.

INTRODUCTION

The applicant, Caren Zwart, is requesting a Comprehensive Plan Map amendment from Commercial to High Density Residential and a Zone Change from (C-2) Neighborhood Commercial to (R-3) High Density Residential. The applicant owns a 0.15 acre parcel located on the south side of NE Division Street, near its intersection with NE Spruce Street in the City of Myrtle Creek, and is addressed as 512 NE Division Street.

The Myrtle Creek Planning Commission, at its regular meeting on April 24, 2007, 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: Caren Zwart, applicant; and Michelle Richardson, Trueblood Real Estate, applicant's representative. No other parties were present either in favor or against the application.

The Planning Commission voted unanimously to forward a recommendation to City Council to approve the requested Comprehensive Plan Map Amendment and Zone Change from Commercial to High Density Residential and a Zone Change from (C-2) Neighborhood Commercial to (R-3) High Density Residential, based upon the findings of the staff report dated April 17, 2007, 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).

10. Overlays: No overlays have been applied to the subject property. The subject property is not located within the 100-year flood plain.

Applicable Criteria

11. 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 Planning Commission staff report, dated April 17, 2007, 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. The subject 0.15 acre parcel has been developed with residential uses since approximately 1946. No new residential development is proposed. The property does not contain any areas identified or protected in the Comprehensive Plan for needed Open Spaces, Scenic and Historic Areas or Natural Resources in the City of Myrtle Creek.
 - ii. The existing residential development on the subject property will not affect the City policies for quality of air, water and land resources of the area. No new residential development (or increased residential density) is proposed with this request.
 - iii. The subject parcel is physically developed and is not located in any natural disaster or hazard area that requires special protection. The site is located outside of the floodplain and not within an area of steep slopes (over 12% slopes). The property is too small to be further divided.
 - iv. The Comprehensive Plan does not identify a public park or recreational facility on the subject parcel. There are currently two City parks located in close proximity to the property, along with the City public pool located across NE Division Street. The change in density from Commercial to High Density Residential created by this proposal does not alter the plan policies identified for open spaces or recreation facilities.
 - v. The Comprehensive Plan originally envisioned commercial development expanding from the Central Business District easterly along NE Division toward the business area at the intersection with North Myrtle Road (Super Y area). Over the years, commercial development has expanded primarily to the south along South Main Street and not along NE Division. The existing

designated low density residential across NE Division, to the south designated high density residential, and east and west designated commercial along NE Division.

- (1) The requested change to high density residential would be consistent with the surrounding high density residential. The increase in density will not be significant on the City's land use pattern or urbanization policies.
- c. The applicant's proposal is consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance. The applicant has demonstrated the proposal's appropriateness and desirability. Rezoning the property to residential from (C-2) Neighborhood Commercial to (R-3) High Density Residential would be consistent with the current and past use of the property. The existing dwelling would no longer be considered a nonconforming use.
- d. The proposed zone 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, or NE Division Street. 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 Commercial to High Density Residential and a Zone Change from (C-2) Neighborhood Commercial to (R-3) High 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. The subject property is already developed with residential uses and no new development is proposed. There will be no increase in residential density as a result of this request.

Approval of the applicant's request to convert the residentially-developed property from commercial to high density residential will enable conformance with the existing residential uses on the property and the surrounding residential uses in the neighborhood.

ALTERNATIVES

1. Approve the requested Comprehensive Plan Map Amendment from Commercial to High Density Residential and a Zone Change from (C-2) Neighborhood Commercial to (R-3) High Density Residential for property owner, Caren Zwart, 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.

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