



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Director's Office Fax (503) 378-5518

Main Fax: (503) 378-6033

Web Address: <http://www.lcd.state.or.us>

## NOTICE OF ADOPTED AMENDMENT

March 9, 2011

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Myrtle Creek Plan Amendment  
DLCD File Number 001-10



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: Tuesday, March 22, 2011**

This amendment was submitted to DLCD for review 45 days prior to adoption and the jurisdiction determined that emergency circumstances required expedited review. 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: Aaron Cubic, City of Myrtle Creek  
Gloria Gardiner, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA





FORM 2

DLCD

# Notice of Adoption

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

In person  electronic  mailed

DATE STAMP

**DEPT OF**

**MAR 02 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Myrtle Creek**

Local file number: **ORD-11-001**

Date of Adoption: **2/15/2011**

Date Mailed: **3/1/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 12/2/10

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".

**The adopted amendments are essentially the same as initially proposed, except as noted below. In the initial notice, we neglected to account for the Planning Commission Public Hearing on December 28, 2010 for the purposes of making a recommendation to City Council at their first hearing on January 18, 2011. The proposed amendment is being declared an emergency due to a timeline set by City Council. Due to a staff emergency, this Notice of Adoption was delayed in its signing by the Mayor, who signed this on February 25, 2011.**

Does the Adoption differ from proposal? Yes, Please explain below:

Minor text changes to allow promotional signs to be free-standing and only allowing a business to apply for temporary signs one time only.

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:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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. 001-10 (18633) [16543]



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

**City of Myrtle Creek Water & Sewer, 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.**

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Local Contact: **Aaron Cubic, City Administrator**

Phone: (541) 863-3171 Extension:

Address: **PO Box 940**

Fax Number: **541-863-6851**

City: **Myrtle Creek**

Zip: **97457**

E-mail Address: **acubic@ci.myrtle-creek.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 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) of 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 -1/2x11 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-11-001**

**AN ORDINANCE AMENDING ORDINANCE NO. 508, THE MYRTLE CREEK ZONING ORDINANCE; ESTABLISHING AN ECONOMIC STIMULUS PROGRAM BY PROVIDING TEMPORARY SIGNAGE OPPORTUNITIES FOR MYRTLE CREEK BUSINESSES**

**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 City of Myrtle Creek City Council understands that extraordinary policy decisions are needed to assist Myrtle Creek businesses in today's economy; and

**WHEREAS**, the City Council has established a strategic priority to pursue economic development; and

**WHEREAS**, the Myrtle Creek Planning Commission conducted a public hearing on the question of amending the Zoning Ordinance on December 28, 2010, 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 January 18, 2011, 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 is hereby amended to the extent described as follows:

**SECTION 4.05.1 SIGN CONTENT**

Signs advertising a business which is not conducted on the premises, or a commodity or service which is not the primary product, sale, or service on the premises, shall not be allowed except as follows:

For the purpose of erecting temporary off-premises business signs as described in Section 4.05.3 including endorsing candidates or ballot measures, or advertising events of public interest (such as fairs, rodeos, or similar temporary activities), signs may be erected on a property provided such signs will be removed by the property owner within 15 days following cessation of the activity for which the sign was erected.

#### **SECTION 4.05.2 DISTRICT REQUIREMENTS (SIGNS).**

All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and maintained in safe condition. The sign area permitted by the following paragraphs shall be measured as defined in Article II.

(1) **Residential Districts.**

- (a) Signs advertising for home occupations are not permitted.
- (b) **RH & R-1 Districts:** One non-illuminated stationary sign of not more than two square feet pertaining to an activity on a property may be erected at a distance of 10 feet or more inside a lot line except as allowed by Paragraph (1)(d) of this Section.
- (c) **R-2 & R-3 Districts:** One non-illuminated stationary sign of not more than eight square feet pertaining to each activity on a property may be erected at a distance of 10 feet or more inside a lot line except as allowed by Paragraph (1)(d) of this Section.
- (d) **Exception:** Each use or structure permitted in a residential district through the Conditional Use provisions of this Ordinance or through the application of the Special District/Community Services overlay zone may erect one non-illuminated stationary sign of not more than 16 square feet to identify the facility on the premises provided the sign is a maximum height of three and one-half (3½) feet above grade, is erected at a distance of 10 feet or more inside a lot line, and is constructed of natural materials (i.e., wood, rock, etc.) and provided further that a drawing and plot plan for the sign shall be submitted as part of the Conditional Use Permit or Zone Change application.

(2) **Commercial and Industrial Districts.**

Electrically lighted signs of not more than 32 square feet are permitted as follows:

- (a) Each business activity shall be permitted one freestanding sign and one projecting wall, signs, graphic, super-graphic or auxiliary sign.
- (b) When a use takes pedestrian or vehicular access from more than one street or road, one additional sign shall be permitted for each additional road to which it has access.
- (c) Signs shall not be glaring nor located in such manner as to conflict with traffic control devices and illumination shall be restricted to the property on which the sign is located.
- (d) Except for time and temperature signs, no flashing, swinging, rotating, or otherwise moving signs shall be permitted.



**SECTION 4.05.3 Temporary Off-Premises Promotional Business Signs.**

Temporary off-premises business signs may be used under the following conditions:


- (1) Temporary off-premises sign permits are available for businesses with a physical location within the Myrtle Creek city limits and outside the Central Business District.
- (2) A business is allowed to place no more than three temporary off-premises signs.
- (3) A business may apply for a one time temporary permit and the maximum total number of days per sign shall not exceed 6 months.
- (4) No property shall be permitted to post more than three temporary signs at any one time.
- (5) Off-premises temporary signs shall be allowed only in commercial and industrial districts with owner consent.
- (6) The face size of an offsite sign shall not exceed 3 feet tall or 6 feet in horizontal length.
- (7) Any temporary A-frame, sandwich board or similar sign may be no larger than 6 square feet for one face or 12 square feet for two or more faces.
- (8) If the sign is not attached to a building, the maximum height of the sign may not exceed 4 feet.
- (9) All temporary signs must: be anchored with sand or like material or attached to a permanent structure; in compliance with district setback requirements; may not be placed within any vision clearance area; and shall be maintained in a safe, neat, clean and attractive condition.
- (10) Any permit issued under this Section is non-transferable and the sign may only be used for the purpose for which the permit is granted.

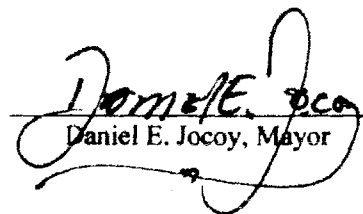
**PASSED BY CITY COUNCIL UPON ITS FIRST READING** this 18th day of January, 2011.

**APPROVED BY CITY COUNCIL UPON ITS SECOND READING** this 15th day of February, 2011.

**APPROVED BY THE MAYOR** this 15th day of February, 2011.

**ATTEST:**

  
\_\_\_\_\_  
Carolyn D. Shields, CMC  
City Recorder

  
\_\_\_\_\_  
Daniel E. Jocoy, Mayor

**EXHIBIT A**

**2010 LEGISLATIVE  
AMENDMENTS TO THE**

**CITY OF MYRTLE CREEK  
ZONING ORDINANCE**

**ADOPTION DRAFT  
February 15, 2011**

**PLANNING COMMISSION**

Workshop	September 7, 2010
Workshop	October 26, 2010
Workshop	November 30, 2010
Hearing	December 28, 2010

**CITY COUNCIL**

Workshop	October 19, 2010
Hearing and First Reading	January 18, 2011
Second Reading	February 15, 2011

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**Zoning Ordinance Amendments.....Page 2**

**LEGEND**

- Deletion            ~~Deletion~~ is marked with strike out function
- Addition            **Addition** is marked with bold and underline
- Comments            *Comments* are provided in italics



**ZONING  
ORDINANCE  
AMENDMENTS**

#### **SECTION 4.05.0 SIGNS.**

The purpose of the following sections is to add sign requirements to the several zoning districts for the preservation of the character of the area; for the preservation of residential, commercial and industrial potential; for the preservation of the need for healthful, safe and convenient use of all lands; and for the conservation and promulgation of values and resources.

#### **SECTION 4.05.1 SIGN CONTENT**

~~No~~ **Signs** advertising a business which is not conducted on the premises, or a commodity or service which is not the primary product, sale, or service on the premises, shall **not** be allowed except as follows:

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CITY OF MYRTLE CREEK  
PO BOX 940  
MYRTLE CREEK OR 97457



DEPT OF  
MAR 02 2011  
LAND CONSERVATION  
AND DEVELOPMENT

ATTN PLAN AMENDMENT SPECIALIST  
DLCD  
635 CAPITOL STREET NE STE 150  
SALEM OR 97301-2540