



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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

Date: 08/12/2014
Jurisdiction: City of Myrtle Creek
Local file no.:
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/07/2014. 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 40 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

DLCD FORM 2



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

FOR DLCD USE	001-14
File No.:	(20320)
	[17964]
Received:	8/7/2014

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: City of Myrtle Creek

Local file no.: NA

Date of adoption: 7/15/14

Date sent: 8/7/2014

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): 4/17/14

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:

Local contact (name and title): Stuart Cowie

Phone: 541-863-3171

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

Street address: PO Box 940

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:

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):

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:

Amended the Myrtle Creek Municipal Code Title 18 (Zoning) Chapter 85 (Signs), removing the code limiting the number of signs and size of signs in commercial and industrial zones. Removed language regulating content. Created new definition for Temporary Signs.

For a change to a zoning map:

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

Change from	to	Acres:
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):

List affected state or federal agencies, local governments and special districts: None.

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.

Attached is a copy of the signed Ordinance No. 795.

**CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 795**

AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE CHAPTER 18.85 ZONING AMENDMENTS; ESTABLISHING AN ECONOMIC STIMULUS PROGRAM BY UPDATING BUSINESS SIGNAGE OPPORTUNITIES FOR MYRTLE CREEK BUSINESSES

WHEREAS, the City of Myrtle Creek initiated an amendment to the Myrtle Creek Municipal Code Chapter 18.85; 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 Myrtle Creek Municipal Code Chapter 18.85 on May 27, 2014, 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 Myrtle Creek Municipal Code be adopted by the City Council; and

WHEREAS, the City Council conducted a public hearing on the amendments to the Myrtle Creek Municipal Code on June 17, 2014, 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:

TITLE 18 Zoning

The official Myrtle Creek Municipal Code is hereby amended to the extent described as follows:

18.10.030 Definitions.

"Temporary Sign" means a temporary off-premises business sign as described in MCMC 18.85.040. A temporary sign also includes 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.

18.85.010 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. [Ord. 508 § 4.05.0, 1982].

18.85.020 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 MCMC 18.85.040 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. [Ord. 508 § 4.05.1, 1982].~~

Temporary signs definition is being moved to Section 18.10.030

18.85.030 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.~~ **shall be built, constructed or placed so as to not impede pedestrian, bicycle, or automobile traffic, shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.** The sign area permitted by the following subsections shall be measured as defined in Chapter 18.10 MCMC:

(1) Residential Districts.

- (a) Signs advertising for home occupations are not permitted.
- (b) RH and 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 subsection (1)(d) of this section.
- (c) R-2 and 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 subsection (1)(d) of this section.
- (d) Exception. Each use or structure permitted in a residential district through the conditional use provisions of this title 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 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.).

(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 sign, graphic, supergraphic 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.~~
- (a) Signs shall not **create a traffic impediment** be glaring nor be 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. [Ord. 508 § 4.05.2, 1982].~~

(3) Electronically Lighted Signs.

(a) "Paging," meaning character elements or other information presented for a period of time and then disappearing all at once before the same or new elements are presented, is permitted if the display time of each message is at least 3 seconds.

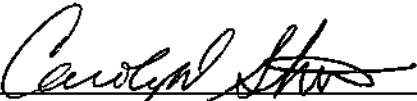
(b) "Streaming," meaning character elements or other information moving smoothly and continuously across the display is not permitted.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 17th day of June, 2014.

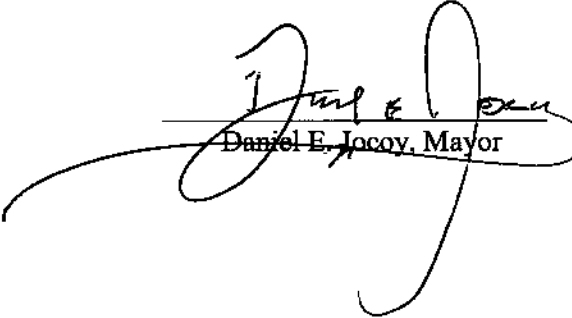
APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 15th day of July, 2014.

APPROVED BY THE MAYOR this 15th day of July, 2014.

ATTEST:



Carolyn D. Shields, CMC
City Recorder



Daniel E. Jocoy, Mayor