



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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

Date: May 06, 2015
Jurisdiction: City of Myrtle Creek
Local file no.: 15-MC002
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/30/2015. 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 less than 35 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



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

FOR DLCD USE
File No.: 002-15 {22645}
Received: 4/30/2015

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: Myrtle Creek, OR

Local file no.: **15-MC002**

Date of adoption: April 7, 2015

Date sent: April 30, 2015

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): Jan 21, 2015

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:

No

Local contact (name and title): Richard Hoffman, City Planner

Phone: 541-464-6339

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

Street address: 206 NW Pleasant St.

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:

NA

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:

MCMC 18.10 (Definitions); 18.45 (C-1 Zone); 18.50 (C-2 Zone); 18.55 (C-3 Zone)

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): All lands within Land Use Jurisdiction of Myrtle Creek

List affected state or federal agencies, local governments and special districts: Oregon Health Authority; Oregon Liquor Control Commission

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.

Ordinance 800 has been adopted to amend chapter 18 (zoning) of the Myrtle Creek Municipal Code. This has included definitions for Medical Marijuana Dispenseries in conjunction with ORS 475.314 and Marijuana Retail Stores in conjunction with Measure 91. It has also provided siting standards within the C-1; C-2 and C-3 zones.



CITY OF MYRTLE CREEK

207 NW PLEASANT, P.O. BOX 940, MYRTLE CREEK, OR 97457

PHONE 541-863-3171, FAX 541-863-6851

WWW.CITYOFMYRTLECREEK.COM

April 8, 2015

NOTICE OF DECISION

TO: Parties to the CITY OF MYRTLE CREEK, request for a legislative amendment to their C-1 (MCMC Ch. 18.45), C-2 (Ch. 18.50), C-3 (Ch. 18.55) zones and their Definition section (Ch. 18.10) to allow for Medical Marijuana Dispensaries in conjunction with ORS 475.314 and to allow for Marijuana Retail Stores in conjunction with Measure 91. Planning Department File No. 15-MC002.

FROM: Myrtle Creek Planning Department

RE: Notice of City Council Decision

This correspondence shall serve as official notice that the Myrtle Creek City Council, on April 7, 2015, approved the legislative amendment as stated above.

A copy of the City Council action, Ord. 800 is attached with this notice. The planning file for this matter is available for review at Myrtle Creek City Hall during regular business hours.

This decision can be appealed to the State Land Use Board of Appeals (LUBA) in Salem, Oregon, by any individual or agency who has been recognized as a party in this matter. An appeal is commenced by filing a "Notice of Intent to Appeal" not later than 21 days as the date the City Council decision was mailed. The appeal must be filed at the LUBA office in Salem.

If you have any questions regarding this matter, feel free to contact me at (541) 440-6069.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stuart Cowie", is written over a horizontal line.

Stuart Cowie
City Planner
City of Myrtle Creek

**CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 800**

AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE CHAPTER 18.45, C-1 (CENTRAL BUSINESS DISTRICT); CHAPTER 18.50, C-2 (NEIGHBORHOOD COMMERCIAL); CHAPTER 18.55, C-3 (GENERAL COMMERCIAL); AND CHAPTER 18.10 – DEFINITIONS, BY CHANGING THE ZONING CLASSIFICATION IN THE COMMERCIAL ZONES FOR THE REGULATION OF MARIJUANA DISPENSARIES AND RETAIL SALES AND PROVIDING A DEFINITION

WHEREAS, the passage of HB 3460 in 2013 (Medical Marijuana Dispensaries) and Measure 91 (Recreational Marijuana Use) in 2014, the City of Myrtle Creek is left to determine how to appropriately zone a medical marijuana dispensary or marijuana retail store within the city; and

WHEREAS, Oregon Revised Statute (ORS) 475.314, regulates the distance of medical marijuana dispensaries from real property comprising of public or private elementary, secondary or career school attended primarily by minors. In addition, it also requires dispensaries maintain a distance of 1000 feet from another medical marijuana facility; and

WHEREAS, the Marijuana Dispensary and Marijuana Retail Store commercial use is consistent with Chapter 14 of the Myrtle Creek Comprehensive Plan, which contains the land use and urbanization policies of the plan, because it provides for a commercial use to occur within the appropriate commercial zones; and

WHEREAS, the Myrtle Creek Planning Commission adopted certain Findings of Fact regarding the matter based upon the Findings of Fact presented to the Planning Commission at their meeting held on February 24, 2015 and the testimony and evidence provided during the public hearing on the issue; and

WHEREAS, the Planning Commission subsequently forwarded to the City Council a recommendation that the proposed zone change and definition be adopted by the City Council; and

WHEREAS, the City Council conducted a public hearing on the proposed Zoning District Change and Definition on March 17, 2015, and provided an opportunity for public participation in the matter and hereby adopts the proposed amendment;

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 provide for the addition of Medical Marijuana Dispensary or Marijuana Retail Store as a permitted use and structure in the C-1 (Central Business District), C-2 (Neighborhood Commercial) and C-3 (General Commercial) zone classifications and providing for a definition.

Section 2. Amendment of Myrtle Creek Municipal Code, Chapter 18.

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

Chapter 18.45

C-1 Central Business District

18.45.030 Permitted uses and structures.

The following uses and structures and similar uses and structures are permitted outright, provided the use is conducted wholly within an enclosed building (other than parking areas) and there is no noise, odors, smoke, vibration or other deleterious influences detectable beyond the property line:

(1) Retail Sales.

- (a) Agricultural supply store.
- (b) Appliance sales and service (household and small appliance).
- (c) Automobile supply and parts store.
- (d) Bakery, provided the principal operation is for retail sales on the premises.
- (e) Bicycle sales and repair shop.
- (f) Book, stationery and business supply store.
- (g) Clothing store.
- (h) Contractors' sales and repair shop (such as plumbing, heating, electrical and glass).
- (i) Convenience store or market.
- (j) Department, variety, dry goods or notions store.
- (k) Florist.
- (l) Food and drug store, meat market (retail).
- (m) Furniture store.
- (n) Garden supply, nursery or greenhouse, provided the principal operation is for retail sales on the premises (no outside storage or display permitted).
- (o) Hardware and building supply (no outside storage or display permitted).
- (p) Interior decorating shop (such as floor covering, wallpaper and drapery sales).
- (q) Jewelry or gift store.

- (r) Musical instrument, record or tape sales.
- (s) Pet store, including supplies and grooming.
- (t) Secondhand goods store/pawn shop (no outside storage or display permitted).
- (u) Shoe store or shoe repair.
- (v) Sign shop (painting and sales).
- (w) Sporting equipment sales.
- (x) Toy or hobby sales.
- (y) Wholesale office and showroom with merchandise on the premises limited to small parts and samples.

(z) Medical Marijuana Dispensary or Marijuana Retail Store, subject to the following standards:

(1) Location shall not be within 1000 feet of the property of another marijuana dispensary or marijuana retail sale store, school or pre-school, 500 feet from any Community Service zone or 200 feet from any property zoned Residential.

(2) Any and all Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.

(3) Any and all other Marijuana Retail Stores must be licensed with the Oregon Liquor Control Commission and consistent with the laws promulgated by the 2014 passage of Measure 91.

Chapter 18.50

C-2 Neighborhood Commercial

18.50.030 Permitted uses and structures.

The following uses and structures and similar uses and structures are permitted outright, provided the use is conducted wholly within an enclosed building (other than parking areas) and there is no noise, odors, smoke, vibration or other deleterious influences detectable beyond the property line:

(1) Retail Sales.

- (a) Automobile supply and parts store.
- (b) Bakery, provided the principal operation is for retail sales on the premises.
- (c) Bicycle sales and repair shop.
- (d) Book, stationery and business supply store.
- (e) Convenience store or market.
- (f) Florist.
- (g) Food and drug store, meat market (retail).
- (h) Interior decorating shop (such as floor covering, wallpaper and drapery sales).
- (i) Jewelry or gift store.
- (j) Musical instrument, record or tape sales.
- (k) Pet store, including supplies and grooming.
- (l) Shoe store or shoe repair.
- (m) Sporting equipment sales.
- (n) Toy or hobby sales.
- (o) Wholesale office and showroom with merchandise on the premises limited to small parts and samples.
- (p) Medical Marijuana Dispensary or Marijuana Retail Store, subject to the following standards:**

(1) Location shall not be within 1000 feet of the property of another marijuana dispensary or marijuana retail sale store, school or pre-school, 500 feet from any Community Service zone or 200 feet from any property zoned Residential.

(2) Any and all Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.

(3) Any and all other Marijuana Retail Stores must be licensed with the Oregon Liquor Control Commission and consistent with the laws promulgated by the 2014 passage of Measure 91.

Chapter 18.55

C-3 General Commercial

18.55.030 Permitted uses and structures.

The following uses and structures and similar uses and structures are permitted outright, provided there is no noise, odors, smoke, vibration or other deleterious influences detectable beyond the property line.

(1) Retail Sales.

(a) Agricultural supply store.

(b) Appliance (household and small appliance). Appliance sales and service, provided outside storage areas are fenced and screened.

(c) Auction house (excluding livestock and vehicles), provided outside storage areas are fenced and screened (exterior display areas are prohibited).

(d) Automobile sales lots (including sales or rental of boats, recreational vehicles, travel trailers, light duty trucks and similar vehicles, whether new or used).

(e) Automobile supply and parts store.

(f) Bakery, provided the principal operation is for retail sales on the premises.

(g) Bicycle sales and repair shop.

- (h) Book, stationery and business supply store.
- (i) Clothing store.
- (j) Contractors' sales and repair shop (such as plumbing, heating, electrical and glass, provided outside storage areas are fenced and screened).
- (k) Convenience store or market.
- (l) Department, variety, dry goods or notions store.
- (m) Florist.
- (n) Food and drug store, meat market (retail).
- (o) Furniture store.
- (p) Garden supply, nursery or greenhouse, provided the principal operation is for retail sales on the premises and provided outside storage areas are screened.
- (q) Hardware and building supply, provided outside storage areas are fenced and screened.
- (r) Interior decorating shop (such as floor covering, wallpaper and drapery sales).
- (s) Jewelry or gift store.
- (t) Musical instrument, record or tape sales.
- (u) Pet store, including supplies and grooming.
- (v) Secondhand goods store/pawn shop, provided outside storage areas are fenced and screened (exterior display areas are prohibited).
- (w) Shoe store or shoe repair.
- (x) Sign shop (painting and sales), provided outside storage areas are fenced and screened.
- (y) Sporting equipment sales.
- (z) Toy or hobby sales.

(aa) Wholesale office and showroom with merchandise on the premises limited to small parts and samples.

(bb) Medical Marijuana Dispensary or Marijuana Retail Store, subject to the following standards:

(1) Location shall not be within 1000 feet of the property of another marijuana dispensary or marijuana retail sale store, school or pre-school, 500 feet from any Community Service zone or 200 feet from any property zoned Residential.

(2) Any and all Marijuana Dispensaries must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.

(3) Any and all other Marijuana Retail Stores must be licensed with the Oregon Liquor Control Commission and consistent with the laws promulgated by the 2014 passage of Measure 91.

18.10.030 Definitions.

When used in this title, the following terms shall have the meanings herein ascribed to them:

“Medical Marijuana Dispensary” means any facility or operation designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon Medical Marijuana Registry Identification Card holders pursuant to ORS 475.300 - 475.346.


“Marijuana Retail Store” means any facility or operation designed, intended or used for purposes of selling marijuana items to a consumer.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 17th day of March, 2015.

APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 7th day of April, 2015.

APPROVED BY THE MAYOR this 7th day of April, 2015.

ATTEST:


Carolyn D. Shields, CMC
City Recorder


Ken Brouillard, Mayor