



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: August 10, 2015  
Jurisdiction: City of Myrtle Point  
Local file no.: 1937 Roseburg Rd  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/07/2015. 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 53 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
File No.: 001-15 {23852}  
Received: 8/7/2015

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: City of Myrtle Point

Local file no.: **Ordinance No. 1277**

Date of adoption: 8/3/2015

Date sent: 8/7/2015

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): 6/11/2015

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:

**The configuration of the parcel proposed for rezoning changed shape and size from the original proposal. A revised map is provided.**

Local contact (name and title): Darin Nicholson, City Manager

Phone: 541-572-2626

E-mail: [manager@ci.myrtlepoint.or.us](mailto:manager@ci.myrtlepoint.or.us)

Street address: 424 5<sup>th</sup> Street

City: Myrtle Point

Zip: 97458-

## 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:

**For a change to a zoning map:**

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

Change from LI	to R1	Acres: 1.99
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): T29S, R12W, Sec. 16DC, TL 3600

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List affected state or federal agencies, local governments and special districts: Oregon Department of Transportation, Oregon State Building Codes Division

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 NO. 1277****AN ORDINANCE OF THE CITY OF MYRTLE POINT  
AMENDING THE MYRTLE POINT ZONING MAP**

**WHEREAS**, the owners of the 4.55 acre parcel addressed 1937 Roseburg Road, more particularly identified as Tax Lot 3600 of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 16, Township 29 South, Range 12 West, Willamette Meridian, have expressed the desire to construct a new single family dwelling on the easterly portion of the described parcel; and

**WHEREAS**, the zoning designation of the subject parcel is Light Industrial (LI); and

**WHEREAS**, Table 2.2.020 of the Myrtle Point Development Code identifies that new Single Family Dwellings are not permitted in the LI zone; and

**WHEREAS**, the westerly portion of the described parcel currently is, and will continue to be, used for industrial purposes related to trucking operations for the business known as Kincheloe and Sons, Inc.; and

**WHEREAS**, in order to comply with Development Code requirements for the construction of a new residence on the easterly portion of the property and maintain the existing industrial use on the westerly portion of the property, the City Planner has recommended the following: a partition to create two parcels from the existing large parcel, and rezoning of the easterly portion to the Residential (R1) zone designation; and

**WHEREAS**, in accordance with recommendations of the City Planner, the property owners have submitted for Planning Review a request for a two-parcel partition of the above described parcel, including Parcel 1 occupying 1.99 acres and Parcel 2 occupying 2.57 acres, and they also have submitted a request to rezone Parcel 1 to the Residential (R1) zoning designation; and

**WHEREAS**, State Law requires notification of the Oregon Department of Land Conservation and Development (DLCD) for such partitioning and rezoning requests and such notification has been given; and

**WHEREAS**, Section 4.6.020-B of the Myrtle Point Development Code states, "Amendments to the Zoning Map that affect more than one parcel, or more than one-half (1/2) acre, whichever is greater, are Legislative actions" and the proposed rezoning affects more than one-half acre and therefore is a Legislative action; and

**WHEREAS**, Planning Commission review and recommendation, as well as City Council approval of an ordinance amending the Zoning Map is required by Section 4.6.030 of the Development Code, which states, "The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either corrects a mistake or inconsistency in the Comprehensive Plan, Development Code, or Zoning Map; or it responds to changes in the community"; and

**WHEREAS**, the Myrtle Point Planning Commission reviewed the Tentative Partition and rezoning request at its June 23, 2015 meeting, including a Public Hearing on the matter at which no public comment in opposition to the requests was received; and

**WHEREAS**, comments received from DLCD as well as changes to the Tentative Partition as prescribed at the June 23, 2015 Planning Commission meeting have been incorporated into the subsequent submission of the Tentative Partition; and

**WHEREAS**, at its July 28, 2015 meeting the Myrtle Point Planning Commission reviewed the Tentative Partition including all changes as previously prescribed and has now approved the Tentative Partition; and

**WHEREAS**, attachments A, B, and C are incorporate herein as the proposed zoning change, the existing zoning, and a survey map of the proposed partition, respectively; and

**WHEREAS**, the Myrtle Point Planning Commission has reviewed the proposal and recommends that the City Council approve the rezoning based on Development Code compliance, the lack of public opposition to the proposal, the Commission finding that the proposal is in the public interest with regard to community conditions and compliance with Statewide Planning Goals and relevant Oregon Administrative Rules.

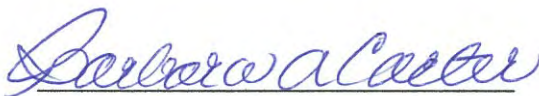
**NOW THEREFORE, THE CITY OF MYRTLE POINT ORDAINS AS FOLLOWS:**

SECTION 1. In accordance with the recommendation of the Myrtle Point Planning Commission, the proposed rezoning of the partition parcel identified as "Parcel 1" on the attached 'Exhibit A' is hereby approved by the Myrtle Point City Council.

SECTION 2. This ordinance shall become effective upon signing.

Adopted by the City Council of the City of Myrtle Point this 3<sup>rd</sup> day of August 2015.

ATTEST:



Barbara A. Carter, Mayor  
City of Myrtle Point



Darin Nicholson, City Manager  
City of Myrtle Point

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SE1/4 SEC. 16 T29S R12W W.M.  
COOS COUNTY

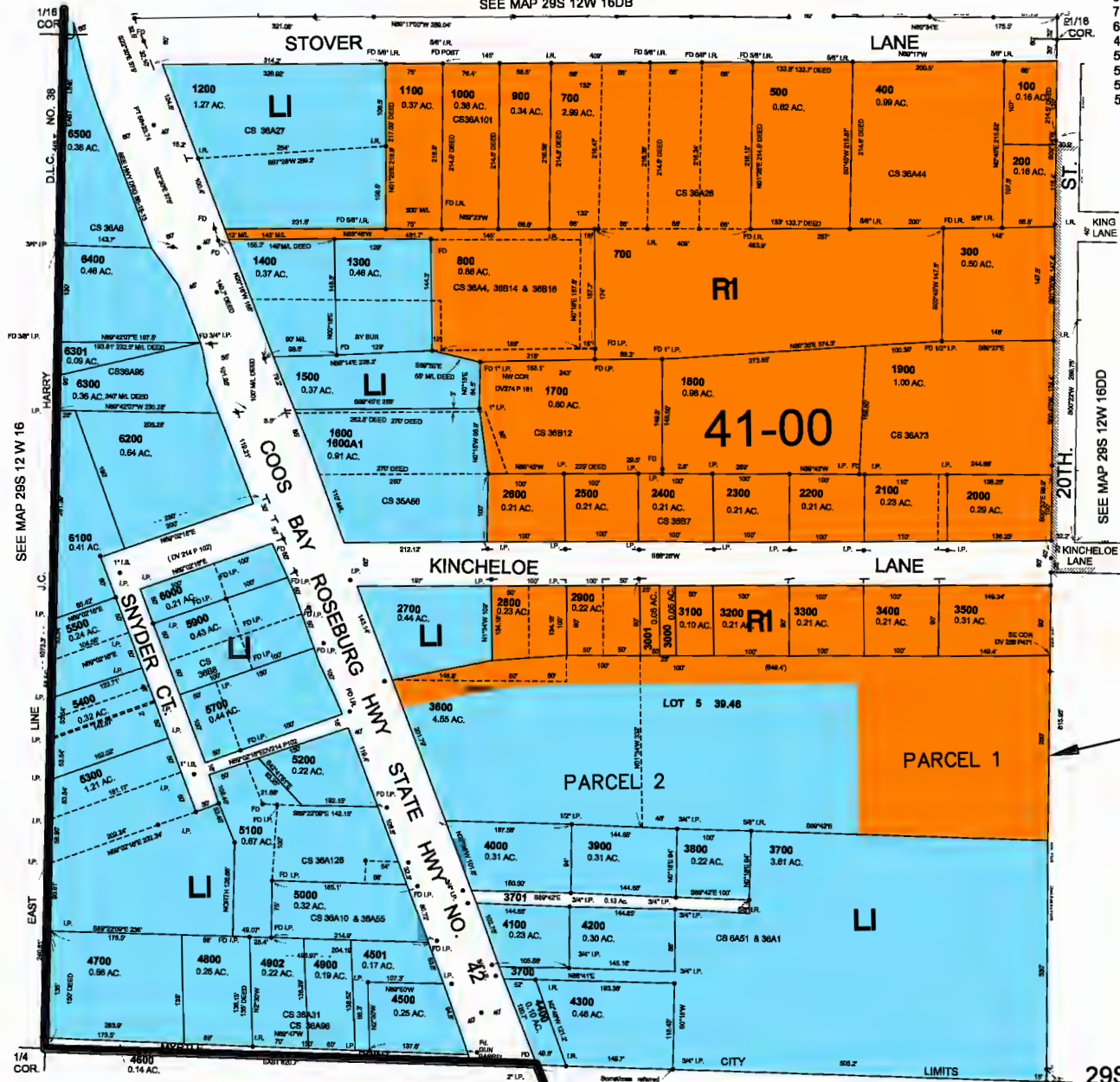
29S 12W 16DC  
MYRTLE POINT

1" = 100'

CANCELLED NO.

SEE MAP 29S 12W 16DB

- 600
- 701
- 6302
- 4901
- 5600
- 5800
- 5501
- 5201



1/16 COR. D.L.C. NO. 38  
HARRY  
J.C.  
EAST  
1/4 COR.  
SEE MAP 29S 12 W 16  
SEE MAP 29S 12W 16DD  
20TH.  
KING LANE  
KINCHELOE LANE  
1/16 COR.

SUBJECT PARCEL

5-04-2009

29S 12W 16DC  
MYRTLE POINT

SEE MAP 29S 12W 21

PROPOSED ZONING

EXHIBIT A

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SE1/4 SEC. 16 T29S R12W W.M. COOS COUNTY

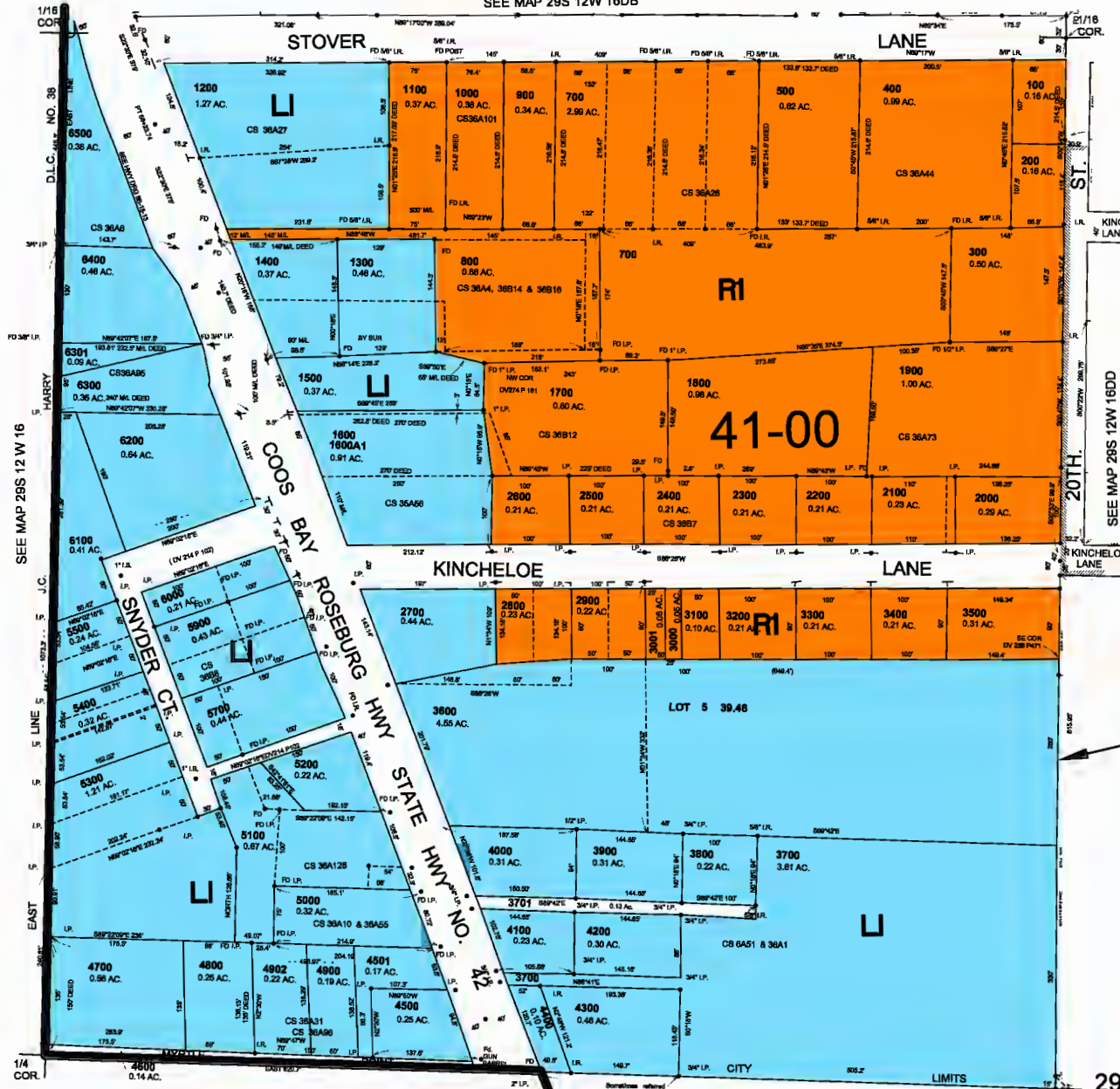
1" = 100'

29S 12W 16DC MYRTLE POINT

CANCELLED NO.

SEE MAP 29S 12W 16DB

- 600
- 701
- 6302
- 4901
- 5600
- 5800
- 5501
- 5201



SEE MAP 29S 12W 16DD

SUBJECT PARCEL

5-04-2009

29S 12W 16DC MYRTLE POINT

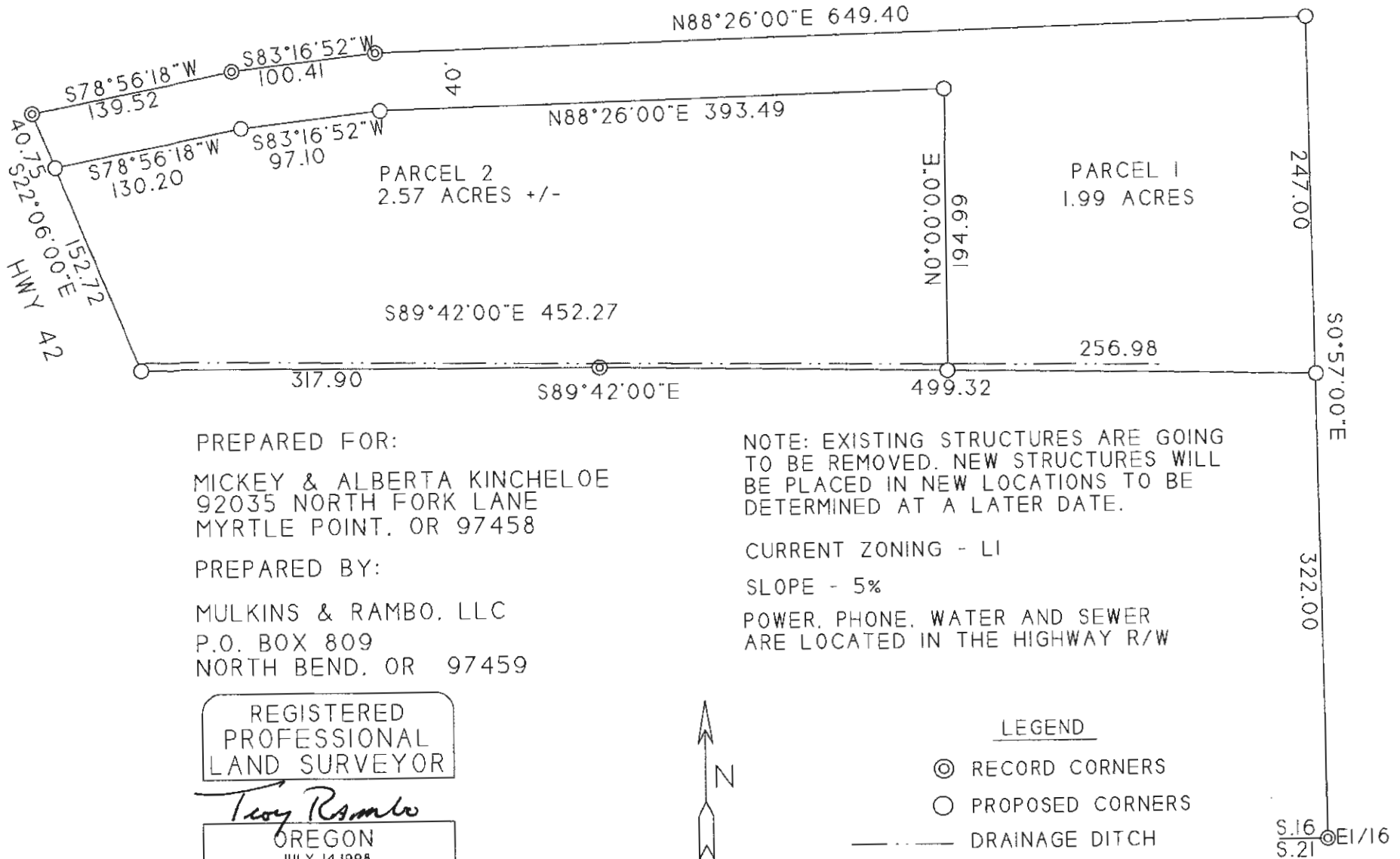
SEE MAP 29S 12W 21

CITY OF MYRTLE POINT - EXISTING ZONING

# TENTATIVE PARTITION

LOCATED IN THE SW1/4 OF THE SE1/4 OF SECTION 16,  
T.29S., R.12W., W.M., COOS COUNTY, OREGON

(TAX LOT 3600 - MAP 29S 12W 16DC - 4.56 ACRES M/L)



PREPARED FOR:  
 MICKEY & ALBERTA KINCHELOE  
 92035 NORTH FORK LANE  
 MYRTLE POINT, OR 97458

PREPARED BY:  
 MULKINS & RAMBO, LLC  
 P.O. BOX 809  
 NORTH BEND, OR 97459

NOTE: EXISTING STRUCTURES ARE GOING TO BE REMOVED. NEW STRUCTURES WILL BE PLACED IN NEW LOCATIONS TO BE DETERMINED AT A LATER DATE.

CURRENT ZONING - LI

SLOPE - 5%

POWER, PHONE, WATER AND SEWER ARE LOCATED IN THE HIGHWAY R/W

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Troy Rambo*  
 OREGON  
 JULY 14, 1998  
 TROY J. RAMBO  
 2865



SCALE 1" = 100'  
~~MAY 15, 2015~~  
 REVISED - JULY 8, 2015

### LEGEND

- ⊙ RECORD CORNERS
- PROPOSED CORNERS
- DRAINAGE DITCH

S.16  
 S.21  
 E1/16

EXHIBIT C

RENEWAL 12-31-16





# CITY OF MYRTLE POINT

*In the Heart of the Myrtlewoods*

424 Fifth Street  
Myrtle Point, Oregon 97458  
(541) 572-2626  
Fax (541) 572-3838  
[manager@ci.myrtlepoint.or.us](mailto:manager@ci.myrtlepoint.or.us)

## Staff Report 1937 Roseburg Road

<b>Meeting Date:</b> July 28, 2015	
<b>Site Address:</b> 1937 Roseburg Road	<b>Zone:</b> LI
<b>Overlay:</b> N/A	<b>Other:</b> Land Partition & Rezoning

**General Summary:** The owners of 1937 Roseburg Road have submitted an application to the City of Myrtle Point to partition the existing 4.55 acre parcel into two parcels. They wish to construct a new residence on the easterly portion of the property (Parcel 1) and continue utilizing the westerly portion of the property (Parcel 2) for storing and servicing trucks and equipment related to their rock quarry operations located outside of town. The existing parcel is zoned Light Industrial (LI) and new residential uses are not permitted therein. Based on this limitation and the recommendation of staff, the applicants have requested to rezone Parcel 1 as R1.

The applicants previously indicated that the proposed residence would consist of an approximate 1,500 square-foot manufactured home. They plan to construct a two-car garage/shop structure adjacent to the home as well as some decking. A gravel driveway and parking area are initially planned to serve the residence. Paving is not planned at this time.

The applicants submitted a Tentative Partition map which was reviewed at the June 23, 2015 Planning Commission meeting. Based on Myrtle Point Development Code requirements, State Laws pertaining to the rezoning of industrial land, and testimony from the applicants, the Planning Commission recommended that the Tentative Partition map be resubmitted with the following additions and changes:

- Based on the fact that the proposed parcel size is greater than 300 percent of the minimum lot size for the proposed zone, provide a shadow plan showing how possible future re-division of the parcel may occur in accordance with the requirements of Section 4.3.020-C of the Myrtle Point Development Code.
- Relocate the flagpole portion of the proposed Parcel 1 to the north side of the existing parcel in order to align with the existing access point to Hwy 42.
- Based on the requirements of Table 3.4.010-C of the Development Code, increase the width of the flagpole portion of the proposed Parcel 1 to at least 40 feet in order to accommodate a cul-de-sac street if future re-division occurs.
- Reduce the size of the proposed Parcel 1 to two acres or less in order to avoid the requirement under OAR 660-07-010(4) to conduct an Economic Opportunities Analysis as part of the process of rezoning land from an industrial to non-industrial designation.

The applicants submitted a revised Tentative Partition map with the additions and changes as identified above. The revised area of Parcel 1 is 1.99 acres. The flagpole portion of the parcel has

been relocated to the north edge of the existing parcel and increased in width to 40 feet. A Potential Re-Division plan has been prepared showing a possible cul-de-sac street right-of-way and seven lots.

**Staff Recommendation:** In resubmitting the Tentative Partition and Potential Re-Division maps, the applicants have met all the conditions identified at the June 23, 2015 Planning Commission meeting. I would therefore recommend approval of the Tentative Partition and Potential Re-Division maps as submitted.

**Planning Commission Actions:** Land Partition – According to Section 4.3.050-A of the Development Code, the Planning Commission may approve, approve with conditions or deny a preliminary plat. The Planning Commission decision needs to be based on findings of compliance with the approval criteria identified in Section 4.3.050-A of the Development Code. The following criteria from Section 4.3.050-A are applicable to the subject partition and have been satisfied:

1. The land division application shall conform to the requirements of Chapter 4.3;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Article 2 (Zoning); and
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to Article 3 (Development and Design Standards).

Other approval criteria listed in Section 4.3.050-A pertain to larger scale land divisions and/or those which include construction of public infrastructure improvements.

Section 4.3.050-B states that the Planning Commission may attach such conditions as are necessary to carry out provisions of the Code, and other applicable ordinances and regulations. I do not recommend any conditions of approval, however it may be prudent to include a disclaimer such as the following: “Approval of the Tentative Partition is for a two-parcel partition only with the easterly parcel (Parcel 1) to be rezoned for residential use and the intended construction of one single-family residence and garage. Any future land re-division or the construction of additional structures, paving, or other impervious surfaces shall be subject to separate Planning Review and must conform to Development Code provisions in effect at the time of the application.”

Zoning Map Amendment – The Planning Commission must review and recommend to the City Council to either approve or deny the proposed rezoning. The following applicable approval criteria are identified in Section 4.6.030 of the Development Code:

- The proposal must be consistent with the Comprehensive Plan. (The Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either corrects a mistake or inconsistency in the Comprehensive Plan, Development Code, or Zoning Map; or it responds to changes in the community; and

- The amendment must conform to the Transportation Planning Rule provisions under Section 4.6.050.

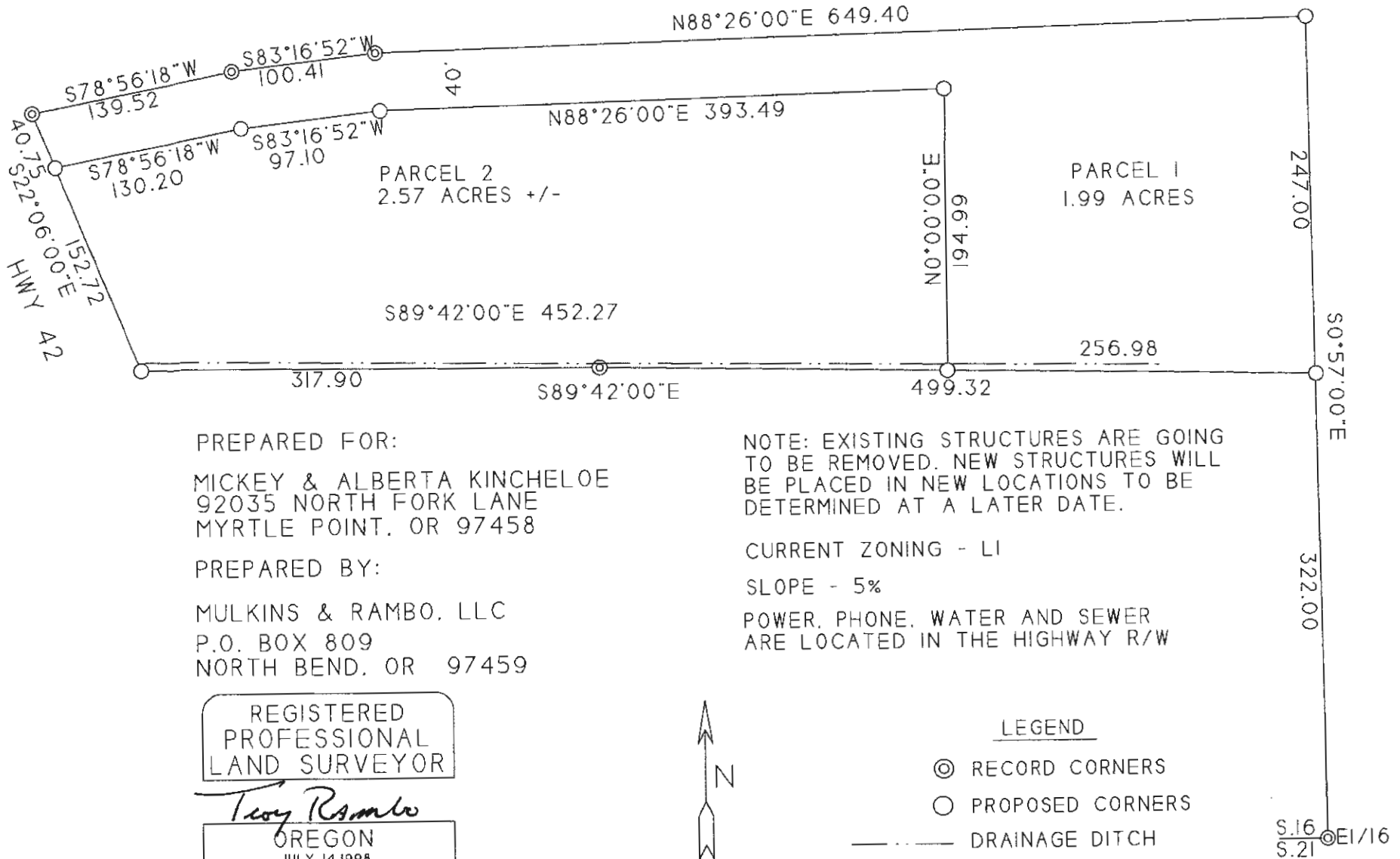
As identified in the Staff Report for the June 23, 2015 Planning Commission meeting, the proposal appears to be consistent with the Comprehensive Plan as the proposed land use is compatible with surrounding uses; and the proposal conforms to the Transportation Planning Rule in that it does not significantly change existing traffic patterns nor would it change the functional classification of existing transportation facilities. The topic of whether or not the proposal is in the public interest with regard to community conditions was covered during the last Planning Commission meeting. I believe the prevailing opinion was that the proposal is in the public interest as it maintains a relatively large Light Industrial parcel for trucking company operations and it adds more residential land which is in short supply in the surrounding area and which has the potential for future re-division. Based on these criteria I suggest that the Planning Commission recommend to the City Council approval of the proposed rezoning.

**Prepared By:** Darin Nicholson

# TENTATIVE PARTITION

LOCATED IN THE SW1/4 OF THE SE1/4 OF SECTION 16,  
T.29S., R.12W., W.M., COOS COUNTY, OREGON

(TAX LOT 3600 - MAP 29S 12W 16DC - 4.56 ACRES M/L)



PREPARED FOR:  
 MICKEY & ALBERTA KINCHELOE  
 92035 NORTH FORK LANE  
 MYRTLE POINT, OR 97458

PREPARED BY:  
 MULKINS & RAMBO, LLC  
 P.O. BOX 809  
 NORTH BEND, OR 97459

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Troy Rambo*  
 OREGON  
 JULY 14, 1998  
 TROY J. RAMBO  
 2865

RENEWAL 12-31-16

NOTE: EXISTING STRUCTURES ARE GOING  
 TO BE REMOVED. NEW STRUCTURES WILL  
 BE PLACED IN NEW LOCATIONS TO BE  
 DETERMINED AT A LATER DATE.

CURRENT ZONING - LI

SLOPE - 5%

POWER, PHONE, WATER AND SEWER  
 ARE LOCATED IN THE HIGHWAY R/W

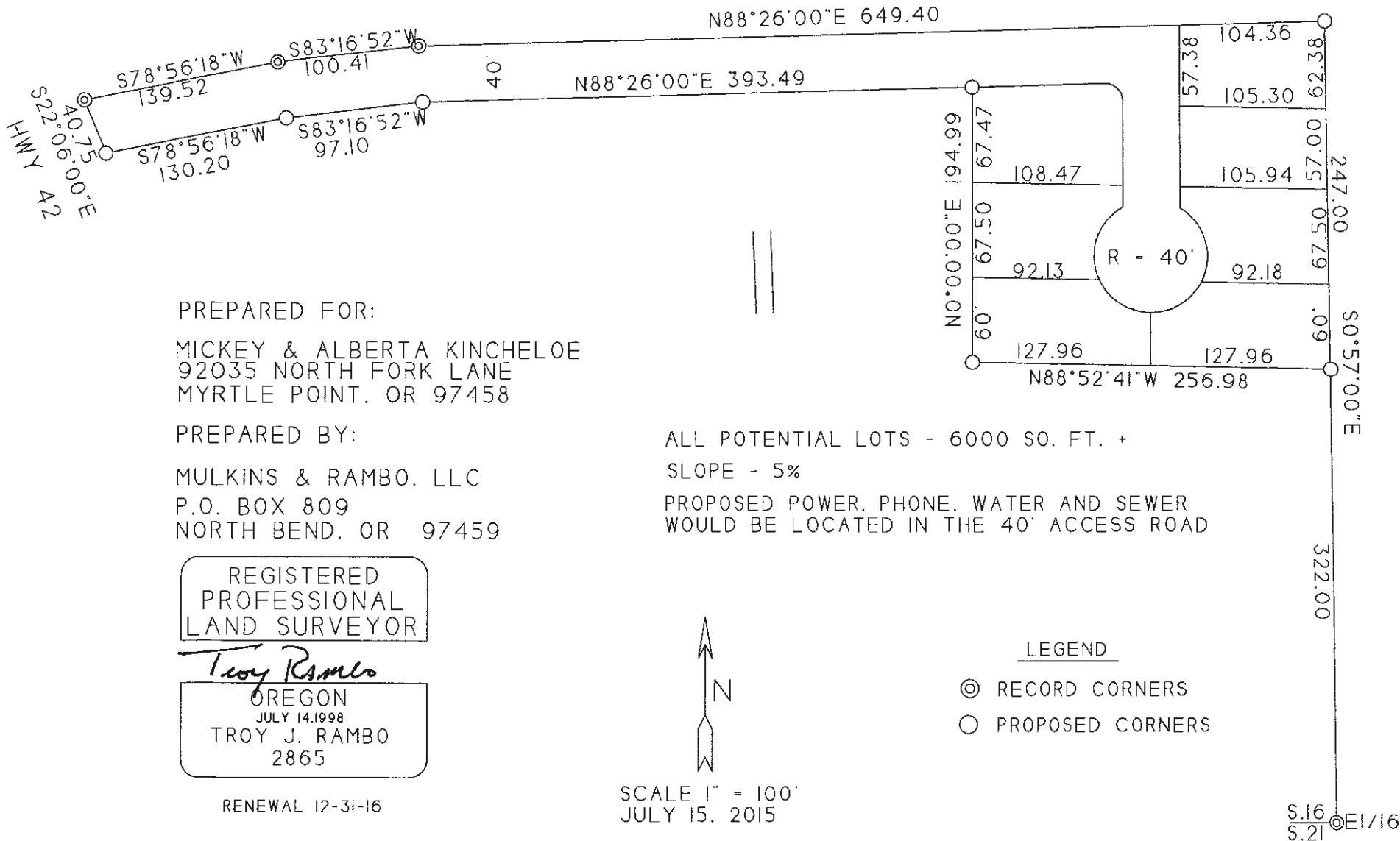


SCALE 1" = 100'  
 - MAY 15, 2015  
 - REVISED - JULY 8, 2015

POTENTIAL RE-DIVISION

LOCATED IN THE SW1/4 OF THE SE1/4 OF SECTION 16.  
T.29S., R.12W., W.M., COOS COUNTY, OREGON

(PORTION OF TAX LOT 3600 - MAP 29S 12W 16DC - 1.99 ACRES)



PREPARED FOR:

MICKEY & ALBERTA KINCHELOE  
92035 NORTH FORK LANE  
MYRTLE POINT, OR 97458

PREPARED BY:

MULKINS & RAMBO, LLC  
P.O. BOX 809  
NORTH BEND, OR 97459

ALL POTENTIAL LOTS - 6000 SQ. FT. +

SLOPE - 5%

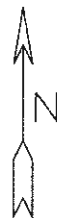
PROPOSED POWER, PHONE, WATER AND SEWER  
WOULD BE LOCATED IN THE 40' ACCESS ROAD

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Troy Rambo*

OREGON  
JULY 14, 1998  
TROY J. RAMBO  
2865

RENEWAL 12-31-16



SCALE 1" = 100'  
JULY 15, 2015

LEGEND

- ⊗ RECORD CORNERS
- PROPOSED CORNERS

S.16  
S.21 ⊗ E1/16

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SE1/4 SEC. 16 T29S R12W W.M.  
COOS COUNTY

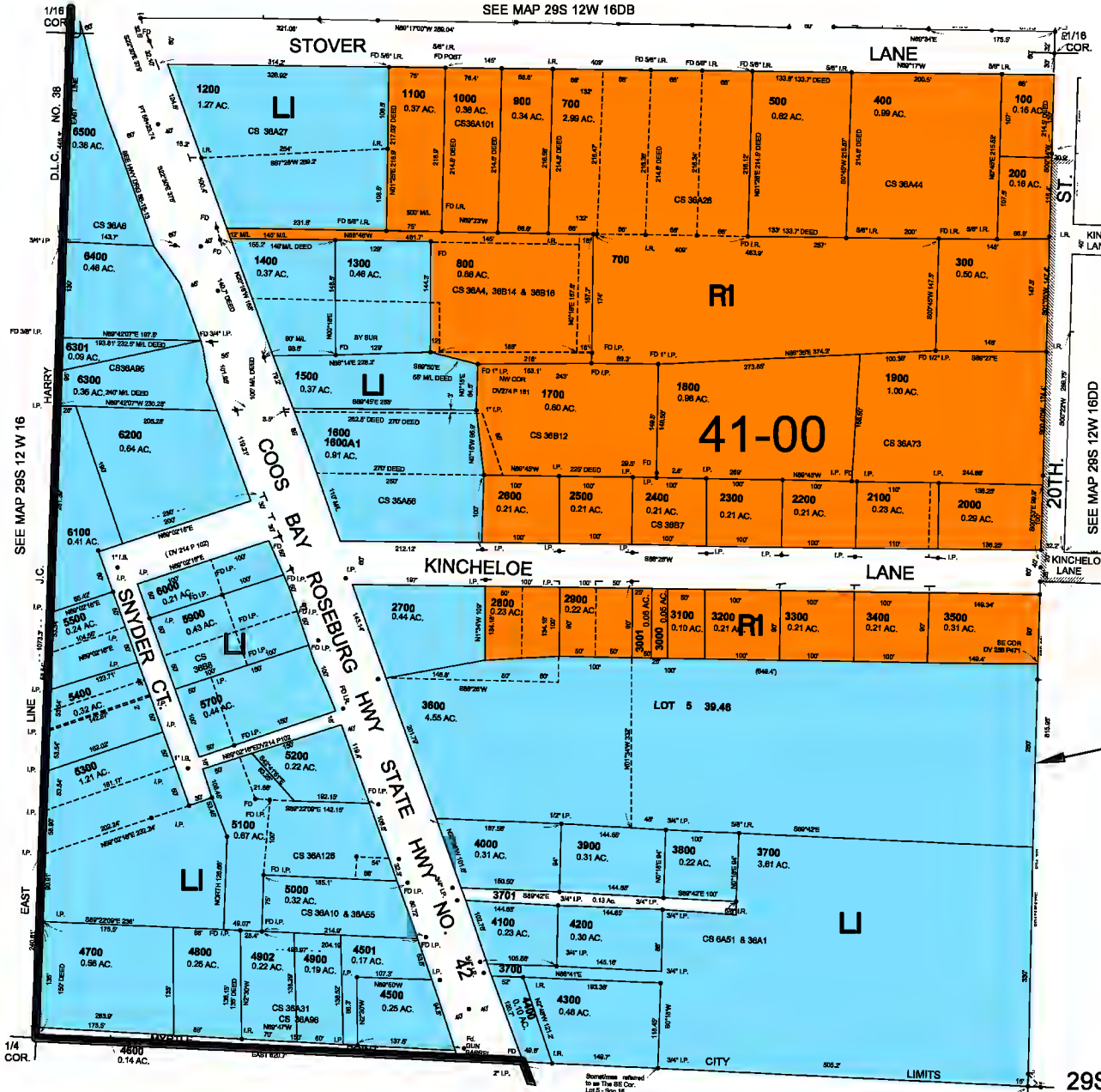
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29S 12W 16DC  
MYRTLE POINT

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SEE MAP 29S 12W 16DB



SEE MAP 29S 12W 16DD

SUBJECT PARCEL

5-04-2009

29S 12W 16DC  
MYRTLE POINT

SEE MAP 29S 12W 21

CITY OF MYRTLE POINT - EXISTING ZONING

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

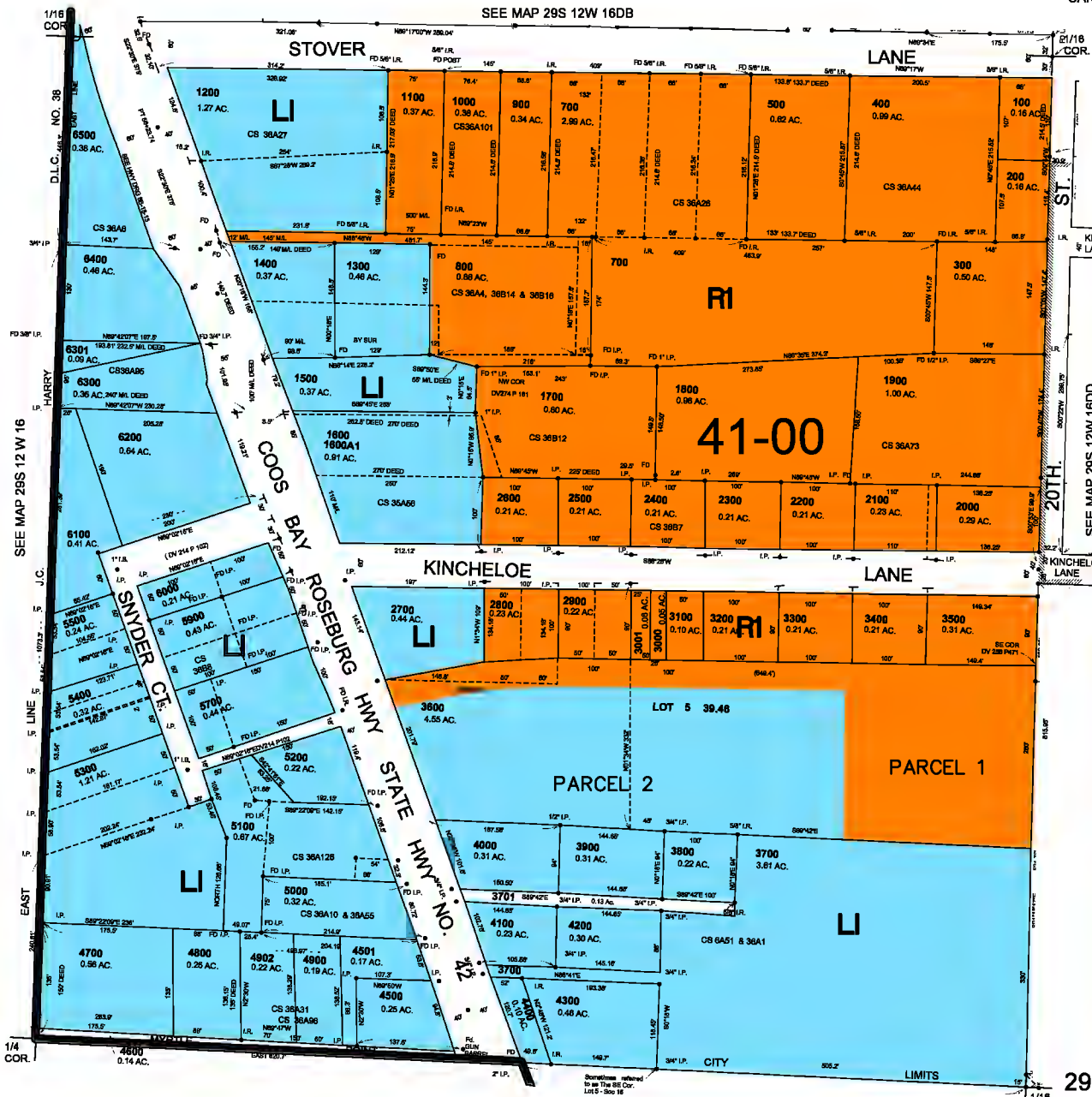
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SEE MAP 29S 12W 16DD

SEE MAP 29S 12 W 16

SEE MAP 29S 12W 16DB

SEE MAP 29S 12W 21

5-04-2009

29S 12W 16DC MYRTLE POINT

PROPOSED ZONING - REVISED