



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



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

Date: April 08, 2016
Jurisdiction: City of Myrtle Creek
Local file no.: 15-MC011
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/06/2016. 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 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.: 004-15 {24139}
Received: 4/6/2016

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 DLCD 650-018 0010). 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.: **15-MC011**

Date of adoption: 02/02/16

Date sent: 4/5/2016

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): Yes 11/16/15

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): Ricky Hoffman, City Planner

Phone: 541-464-6339

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

Street address: Douglas Cnty Crthse, Justice Bldg Rm 103

City: Roseburg

Zip: 97470-

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:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|---------------------|--------|--------|---|
| Change from N/A | to N/A | acres. | A goal exception was required for this change. <input checked="" type="radio"/> |
| Change from change. | to | acres. | A goal exception was required for this |
| Change from change. | to | acres. | A goal exception was required for this |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address): N/A

The subject property is entirely within an urban growth boundary N/A

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:

18.85 MCMC (Signs)

For a change to a zoning map:

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

Change from N/A	to N/A	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:

Location of affected property (T, R, Sec., TL and address): N/A

List affected state or federal agencies, local governments and special districts: N/A

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.

Text Amendments to Section 18.85 "Signs" of the Myrtle Creek Municipal Code. Proposed changes will address concerns about "Off-Premise Advertisements," "Electronic Signage" and "Sandwich Board Style Signs."

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF MYRTLE CREEK**

IN THE MATTER of a decision by the City Planning]	
Commission for a legislative amendment to]	
Title 18 (Zoning), Section 18.85 (Signs) of the]	FINDINGS OF FACT
Myrtle Creek Municipal Code. The proposed]	AND
amendments are in regards to off-premise signs,]	DECISION
electronic signs, placement of temporary]	
off-premise signs within sidewalks and referencing]	
existing language from Section 18.165.050 for]	
signs which do not conform to the sign ordinance]	
provisions. Planning Dept. File No. 15-MC011.]	

PROCEDURAL FINDINGS

1. This matter came for hearing before the Planning Commission on December 22, 2015, in Myrtle Creek City Hall.
2. The amendment was discussed and staff was directed to initiate the legislative amendment process during the October 27th, 2015 Planning Commission workshop.
3. The proposed legislative amendment was deemed a Quasi-Judicial Action and referred to the Planning Commission for a public hearing, pursuant to Section 18.180.030 of the Myrtle Creek Municipal Code.
4. Notice of Public Hearing before the Planning Commission was given in accordance with Sections 18.185.170 and 18.185.180 of the City of Myrtle Creek Municipal Code.
5. The Planning Commission members present at the hearing were: Mike O'Sullivan, Stephen Maniaci, Lonnie Rainville and Toni McDermott.
6. There were no declarations of ex parte contact or conflict of interest by members of the Planning Commission.
 - a. There were no objections from the audience and the Planning Commissioners were qualified to hear the matter.
7. During the public hearing, the Planning Commission recognized the following parties in the matter:
 - a. The City of Myrtle Creek
8. The file and staff report including staff exhibits A-B, were entered into the record before the Planning Commission. Reference was made to the December 15, 2015, Staff Report and findings of fact addressing the applicable provisions contained in the Myrtle Creek Comprehensive Plan and the Myrtle Creek Municipal Code Chapter 18.180 (Amendments and Zone Changes).

9. The proposed amendments are intended to provide clarity on the intent and purpose for the off-premise sign provisions within the current sign ordinance by limiting the ability to establish a permanent off-premise sign and limiting the ability of businesses outside of the city to establish off-premise signage within the city.
10. The other proposed amendments are intended to provide reference of a conditional use permit opportunity, which is currently described within Section 18.165.050 (Variances), within the sign ordinance section of the zoning code and also to establish location specific standards for placement of temporary off-premise signs within sidewalks, which are intended to maintain safe and effective pedestrian traffic along the sidewalks.
11. The Commission provided an opportunity to hear testimony from the applicant. No testimony was given by the applicant.
12. The Planning Commission provided the opportunity to hear additional testimony from parties in favor of the legislative amendments. No testimony was given.
13. The Planning Commission provided an opportunity to hear testimony in opposition to the legislative amendments. No testimony was given.
14. The Planning Commission provided opportunity to allow the applicant to offer rebuttal testimony and/or evidence. No testimony was given.
15. The Planning Commission closed the public portion of the hearing and commenced deliberation on the application.

FINDINGS OF FACT RELATED TO DECISION

- Finding 1. The Planning Commission finds that the proposed amendments sufficiently provide the proper clarity and intent that was discussed during the October 27th, 2015 Planning Commission workshop.
- Finding 2. The Planning Commission finds that the proposed legislative amendments demonstrate a sufficient appropriateness and desirability and the public convenience/public necessity to be served by the proposed legislative amendments is adequate to meet the criteria of Section 18.180.030 of the Myrtle Creek Municipal Code.
- Finding 3. The Planning Commission adopts by reference the findings of the Planning Commission staff report dated December 15, 2015.

CONCLUSION

1. A motion was made by Commissioner Rainville and seconded by Commissioner McDermott, recommending City Council approve the proposed legislative amendments dated December 22, 2015, based upon the findings of the staff report, which recognize the approval criteria have been satisfied. The motion passed unanimously.

DECISION

NOW, THEREFORE, it is the decision of the Myrtle Creek Planning Commission that Planning Dept. File No.

15-MC011 be **APPROVED**. This approval will serve as a recommendation to the City of Myrtle Creek City Council for legislative amendment of Title 18, Section 18.85 of the Myrtle Creek Municipal Code.

DATED THE 22nd, DAY OF December, 2015



Michael O'Sullivan IV, Chairman

ATTEST:



Carolyn D. Shields, City Recorder

**CITY OF MYRTLE CREEK
OREGON
ORDINANCE NO. 804**

AN ORDINANCE AMENDING THE MYRTLE CREEK MUNICIPAL CODE CHAPTER 18.85 ZONING AMENDMENTS; TO ENSURE CLARITY AND TO ENHANCE THE EFFECTIVENESS OF THE ORDINANCE FOR TEMPORARY OFF-PREMISES SIGNS AND SIGN VARIANCES

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 Council has established a strategic priority to pursue economic development for small businesses located within in the city limits; 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 December 22, 2015, 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 January 19, 2016, 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 Myrtle Creek Municipal Code Chapter 18.85 is hereby amended to the extent described in attached Exhibit A [2015-16 Legislative Amendments to the City of Myrtle Creek Municipal Code, Final Draft December 22, 2015].

Section 2. Effective Date.

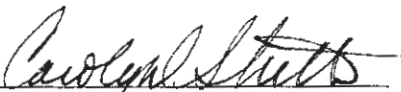
This ordinance shall take effect on the 30th day following its enactment.

PASSED BY CITY COUNCIL UPON ITS FIRST READING this 19th day of January, 2016.

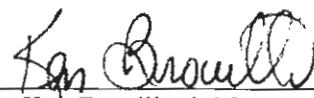
APPROVED BY CITY COUNCIL UPON ITS SECOND READING this 2nd day of February, 2016.

APPROVED BY THE MAYOR this 2nd day of February, 2016.

ATTEST:



Carolyn D. Shields, CMC,
City Recorder



Keh Brouillard, Mayor

EXHIBIT A

**2015-16 LEGISLATIVE
AMENDMENTS TO THE**

**CITY OF MYRTLE CREEK
MUNICIPAL CODE**

**FINAL DRAFT
December 22, 2015**

PLANNING COMMISSION

Workshop	October 27, 2015
Workshop	November 24, 2015 (Cancelled)
Hearing	December 22, 2015

CITY COUNCIL

Hearing and First Reading	January 19, 2016
Second Reading	February 02, 2016

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LEGEND

Deletion	Deletion is marked with strike out function
Addition	<u>Addition</u> is marked with bold and underline
Comments	<i>Comments</i> are provided in italics

**MCMC CHAPTER 18.85
ZONING
AMENDMENTS**

- 1) *The following amendments are necessary to ensure clarity and enhance the effectiveness of the Myrtle Creek Municipal Code.*

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, but not limited to, 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.

18.85.040 Temporary off-premises promotional business signs.

- (7) Any temporary A-frame, sandwich board or similar sign may be no larger than six square feet for one face or 12 square feet for two or more faces. **and if placed within a city sidewalk shall be placed in a manner so as not to obstruct pedestrian traffic or impair access to business entrances.**

18.85.050 Sign Variances

Under MCMC 18.165.050, (Criteria for granting a sign variance), Signs not otherwise permitted shall be processed under MCMC 18.170.010 as a conditional use.