



CITY OF MYRTLE CREEK

P.O. BOX 940, 207 NW PLEASANT ST., MYRTLE CREEK OR 97457
(541) 863-3171 FAX (541) 863-6851

MYRTLE CREEK PLANNING COMMISSION REGULAR MEETING

March 26, 2024
5:30 PM

City Hall Council Chambers
207 NW Pleasant Street

AGENDA

1. CALL TO ORDER / ROLL CALL

Chairperson Angel Smith
Commissioners Sharon Umphlett, Cecil Earp, Bill Umphlett

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE

3.1 New Planning Commissioner Cathey Wragg

4. APPROVAL OF MEETING MINUTES

4.1 Planning Commission Minutes February 27, 2024

5. PUBLIC PARTICIPATION - MATTERS OF PUBLIC CONCERN

Any person may discuss matters of general public concern, which fall within the purview of the Planning Commission, except that matters which are subject to quasi-judicial proceedings may not be discussed under this item of the agenda.

6. NEW BUSINESS

6.1 Public Hearing – Zone Change Request

7. PLANNING ACTIVITIES REPORT

8. GOOD OF THE ORDER

9. ADJOURNMENT

♣ ♣ AMERICANS WITH DISABILITIES NOTICE ♣ ♣

As part of public policy, the City of Myrtle Creek will attempt to provide public accessibility to services, programs, and activities. If accommodation is needed to participate at this meeting, please contact the City of Myrtle Creek at 863-3171, at least 48 hours prior to the scheduled meeting time.



CITY OF MYRTLE CREEK

Regular Meeting of the Planning Commission

DATE: February 27, 2024

PLACE: Council Chambers, 207 NW Pleasant St, Myrtle Creek, Oregon

PRESIDING OFFICER: Chairman Angel Smith

COMMISSIONERS PRESENT: Sharon Umphlett, Tommy Earp, Bill Umphlett

COMMISSIONERS ABSENT:

A quorum was present during this meeting.

STAFF IN ATTENDANCE: City Administrator Lonnie Rainville, City
Recorder Joanna Bilbrey

CALL TO ORDER: Meeting was called to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

OATH OF OFFICE

Bill Umphlett took the Oath of Office and was sworn onto the Planning Commission.

SELECTION OF OFFICERS

Motion was made by Commissioner Tommy Earp to nominate Angel Smith as Planning Commission Chair. Motion was seconded by Commissioner Sharon Umphlett. Discussion: No discussion took place. Vote: Motion passed unanimously.

Motion was made by Commissioner Bill Umphlett to nominate Sharon Umphlett as Planning Commission Vice Chair. Motion was seconded by Commissioner Tommy Earp. Discussion: No discussion took place. Vote: Motion passed unanimously.

APPROVAL OF JANUARY 23, 2024, MINUTES:

Motion was made by Commissioner Sharon Umphlett to approve minutes from January 23, 2024. Motion was seconded by Commissioner Tommy Earp. Discussion: No discussion took place. Vote: Motion passed unanimously.

PUBLIC PARTICIPATION - MATTERS OF PUBLIC CONCERN:

No public participation.

NEW BUSINESS

Public Work Session – Discussion was held on the need for modification to the current City of Myrtle Creek zoning code to conform to House Bill 3395. To comply with House Bill 3395 the City of Myrtle Creek will need to amend the Zoning Code and the Comprehensive Plan. The minimum requirement that the City of Myrtle Creek needs to meet is making duplexes allowable in all residential zones. The Planning Commission can suggest further changes that they would like to see made to our code during this review process. The goals for this process include amending the City's Comprehensive Plan, its Ordinances and Code to meet the requirements set by HB 3395, to update the language of the Comprehensive plan, Ordinances, and code to encompass housing make-up language that meets today's standards, and to allow housing standards that best meet the needs of the City of Myrtle Creek while meeting state requirements.

Council Chair Smith asked for public comment or concern, there was no public comment given.

PLANNING DEPARTMENT REPORT

City Administrator Lonnie Rainville shared about the progress on Klimback. The developer will be receiving the final plat, and it should be presented to the City for signature within the next couple of weeks. The construction of the new homes will begin shortly after that. The non-wet utilities are going in on the Tessia Hills subdivision. Knife River should begin paving in April.

GOOD OF THE ORDER

No items presented.

ADJOURNMENT

Chairman Smith adjourned the meeting at 5:58 p.m.

Angel Smith, Chairman

ATTEST:

Joanna Bilbrey
City Recorder



City of Myrtle Creek

Planning Department

207 NW Pleasant St, PO Box 940, Myrtle Creek OR 97457

Phone: (541)-863-3171 ext. 242

e-mail: planning@myrtlecreek.org

March 19, 2024

STAFF REPORT

TO: Planning Commission and Interested Parties

FROM: MYRTLE CREEK PLANNING DEPARTMENT

RE: Myrtle Creek First Assembly of God's Zone Change Request for Parcel Addressed 186 NE Division St from C-2, Neighborhood Commercial to R3, High Density Residential. Planning File No. 2024-MC013.

STAFF EXHIBITS:

1. Zone Change Application
2. Current Zone Map
3. Proposed Amended Zone Map
4. Vicinity Map
5. Affidavit of Mailing for Public Hearing
6. Notice of Publication in Paper of record
7. DLCD PAPA Confirmation

INTRODUCTION:

The Myrtle Creek First Assembly of God (applicant) has submitted an application for zone change for the parcel addressed 186 NE Division St, Myrtle Creek Oregon. The Property has a Tax ID of 29-05-27BB-01400 and a Property ID of R16342. The Property is .47 acres and is currently zoned Neighborhood Commercial (C-2). The applicant has submitted a zone change application to change the parcel's zoning designation to R-3 High Density Residential.

The applicant states the proposed zone classification is better suited for the properties intended use and matches the use of parcels surrounding the subject parcel.

APPLICABLE CRITERIA:

ORS 227.175 Application for permit or zone change describes the state requirement for the application and for a zone change. Title 18.180 of the Myrtle Creek Municipal Code (MCMC) establishes the procedure for processing a zone change. Specific standards will be applied from Section 18.180.030 in order to determine approval or denial of the request. Additional conditions, stipulations, or limitations as a prerequisite to the final action may be recommended by the Planning Commission and approved by the City Council if they are in the public interest, per Section 18.050.030 (Supplemental Conditions) and Section 18.180.060 (Resolution of Intent to Change Zone) of the Myrtle Creek Municipal Code.

PROCEDURAL FINDING OF FACTS:

Application for the zone change was submitted by the Myrtle Creek First Assembly of God and received by the Planning Department on January 12, 2024.

The Planning Department deemed that the application was complete February 6, 2024.

Notice of Planning Activity was sent to the Oregon Department of Land, Conservation, and Development (DLCD) on January 29, 2024.

Notice of Public Hearing was submitted to all residents residing within 150 feet of the subject property on March 7, 2024.

Notice of Public hearing ran in the Douglas County Mail newspaper on March 14, 2024, and March 21, 2024.

As of the date of closing on March 22, 2024, there were no comments received from the public pertaining to the zone change request.

FINDING OF FACT: (Code Criteria is in italics. Staff analysis and findings are in regular print.)

Boarding Parcels to the east and west are zoned C-2, Neighborhood Commercial but have a residential use.

Parcel to the south is zoned C-3 High Density Residential.

Division Street is adjacent to the parcel to the north.

Parcel will be accessed from Division Street.

There are currently no structures on the subject parcel.

Utilities are available to subject parcel.

MCMC Section 18.180.030(1) - Public hearing on amendments.

- (1) *In judging whether or not a zone change, or amendment shall be initiated, approved, modified or denied, the planning commission shall establish the proposals appropriateness and desirability or the public convenience or necessity to be served and shall establish compliance with the comprehensive plan and other applicable policies of the city by adoption of findings of fact.*

The applicant states that the use of the property is better suited as residential as it is bordered on all three sides by parcels with a residential use. The use of properties along Division Street has a mix of Residential and Neighborhood Commercial uses. With subject parcel being bordered on three sides by parcels having residential use, staff affirms the zone change to R-3 is appropriate. In addition, there is a need for multi-family housing and changing the zone to R-3 allows the parcel to be used for multi-family housing.

The proposed use also complies with Chapter 9 of the City of Myrtle Creek's Comprehensive Plan. The property will be used for housing to be available within the city. The parcel location is well suited for middle or multi-family housing. Its location is close to city services that include parks, medical facilities, school, and grocery stores. The present level of police and fire protection, library, health and education and other community services will not be affected, and the development of additional housing should be encouraged.

DETERMINATION:

Based on the finding of facts the City of Myrtle Creek Planning Department finds that the request for zone change from C-2 Neighborhood Commercial to R-3 High Density Residential meets the criteria as required in MCMC Section 18.180.030 (1). In addition, the intended use of the parcel conforms with the goals of Chapter 9, Housing of the Myrtle Creek Comprehensive Plan.

CONCLUSION & RECOMMENDATION:

In conclusion, staff recommends the Planning Commission approve a recommendation to the Myrtle Creek City Council to approve the request to change the zone of the subject parcel from C-2 Neighborhood Commercial to R-3 High Density Residential with no conditions.

Motion No. 1

I motion to move the City of Myrtle Creek's request for a Zone Change from C-2 Neighborhood Commercial to R-3 High Density Residential for the Parcel addressed 186 NE Division St and described as 29S, 05W, Section 27 BB, Tax lot 01400, and Property ID R16342 to City Council with the recommendation to approve.



City of Myrtle Creek

Planning Department

207 NW Pleasant St, PO Box 940, Myrtle Creek OR 97457

Phone: (541)-863-3171 ext. 242

e-mail: planning@myrtlecreek.org



received

01/12/2024

Complete: 2/6/2024

ZONE CHANGE APPLICATION

Request for Plan Map Amendment

The City of Myrtle Creek Comprehensive Plan is the adopted plan for long-range development within the city. The Myrtle Creek Comprehensive Plan Map describes the land use designations for every parcel within the Urban Growth Boundary (UGB). Comprehensive Plan Map Amendments change the way the City's Comprehensive Plan goals and policies are applied to a site. A Comprehensive Plan change is used to change the land use designation of property on the official city comprehensive plan map. An example is changing the designation of an area from low-density residential (R-1) to high-density residential (R-3).

The burden of proof in demonstrating the need for the plan change is on the applicant. Comprehensive Plan changes will be made as needed to maintain the City of Myrtle Creek's Comprehensive Plan as an up-to-date guideline for community growth and development.

Note: Requests for zoning map amendments may be considered concurrently with a comprehensive plan map amendment. Zone changes within the City of Myrtle Creek must comply with the Comprehensive Land Use Map.

Please submit the following:

- ☒ One (1) completed copy of this form
- ☒ One (1) site plan, drawn to scale, showing the actual dimensions of the lot or parcel and any other information necessary to adequately describe the intended use of the property/structure. The site plan shall be at least 8 1/2" x 11" in size, and suitable for photocopying.
- ☒ A non-refundable filing fee, as specified in the most recent "City of Myrtle Creek Handbook of Fees & Charges", must accompany this application (make check payable to the City of Myrtle Creek).

THIS APPLICATION ACCOMPANIES: _____ A request for annexation ☒ A zone change request

Name of Applicant: MYRTLE CREEK FIRST ASSEMBLY OF GOD Phone: 458-802-6015

Address: P.O. Box 5007, 163 NE Division St. City: MYRTLE CREEK State: OR Zip: 97457

Applicant's interest in property (owner, buyer, lessee, etc.): _____

Title Holder of the subject property: MYRTLE CREEK 1ST ASSEMBLY Phone: 458-802-6015

Address: P.O. Box 5007, 163 NE Division St. City: MYRTLE CREEK State: OR Zip: 97457

DEED NO: 1984-6231

POINT OF CONTACT PASTOR DAVID EDWARDS [REDACTED]

Applicant's Agent or Representative: DAVE EDWARDS Phone: [REDACTED]

Address: P.O. Box 604 City: MYRTLE CREEK State: OR Zip: 97457

Legal Description: (attach copy of metes & bounds description) TRACT M4B113 ~~08000~~ P50710

Current Site Address: 186 NE DIVISION ST MYRTLE CREEK, OR 97457

Nearest Cross Street or Road: NE DIVISION ST

T , S, R W, Section Tax Lot(s)

Tax Account No(s): EXEMPT (CHURCH) EXEMPTION DESC 307.140

Current Comprehensive Plan Designation:

Current Zoning Designation: COMMERCIAL

Proposed Zoning Designation: RESIDENTIAL - R3

Size of Parcel: .47 ACRES Total area affected by proposed change: .47 ACRES (acres or square feet)

Existing property uses adjacent to the site (North, South, East and West): HOUSES N, S, E
OUR CHURCH BLDG W

Describe the physical features of the property or any unusual characteristics (such as slope, hillside, creek or highway bisects it, etc.):

NE DIVISION BORDERS IT TO THE WEST

Is the property located in the 100 year flood plain? If so, describe which portions:

NO

Are there any covenants or deed restrictions on this property? NO If yes, please attach a copy

PROPOSED ZONE CHANGE (AMENDMENT TO THE ZONING MAP)

PRESENT ZONING: COMMERCIAL REQUESTED ZONE CLASSIFICATION: RESIDENTIAL

A change in Zoning District boundaries and the addition of further Districts may be made upon determination by the City Council that the public necessity, convenience, or general welfare will be best served by the requested zone change or any portion thereof. Subject to the public need to change, compliance with the Comprehensive Plan of the City will be considered not only in terms of land use, but also in terms of the goals and policies of the Plan.

Application for a zone change requires a Public Hearing in accordance with Oregon law. After following the hearing procedures and listening to testimony, the Planning Commission will make a recommendation to the City Council for approval or denial. At the next regular Council meeting following receipt of the recommendation, the Council shall give the Planning Commission's recommendation such weight as in the Council's sole discretion it feels is appropriate. The Council shall either grant the application in whole or in part by adoption of Findings and by the adoption of the ordinance or deny the same by appropriate Findings of Fact which explains the justification for the decision.

The factors that will be considered include, among others, the various characteristics of the various areas of the City; the suitability of the areas for particular land uses and improvements; the existing land uses and improvements in the area; trends in land improvement; density of development; property values; the needs of economic enterprises in the future development of the City; needed access to particular sites in the area; natural resources and prospective needs for development thereof; and the public need for healthful, safe, aesthetic surroundings and conditions.

IN ALL LAND USE PROCEEDINGS, THE "BURDEN OF PROOF" IS UPON THE APPLICANT - IN OTHER WORDS, THIS REQUEST MUST BE SUPPORTED BY PROOF WHICH DEMONSTRATES THAT IT CONFORMS TO THE APPLICABLE ELEMENTS OF THE COMPREHENSIVE PLAN AND OTHER RELEVANT STANDARDS AND CRITERIA.

Completion of the following statements will assist you in presenting your request to the Planning Commission and City Council.

1. Describe the proposed use:

OUR CHURCH PROPERTY IS AT PRESENT ZONED COMMERCIAL. OUR DESIRE IS TO REQUEST IT BE RE-ZONED TO RESIDENTIAL AS WE ARE WANTING TO SELL IT, AND WOULD BE ACCORDING TO OUR REALTOR MUCH MUCH MORE ATTRACTIVE TO SELL. AS THERE ARE HOUSES ALL AROUND IT, AND PROPERTY IS ALREADY TO BUILD ON AND WOULD BE PERFECTLY SUITED FOR THIS.

2. Explain why you feel that this proposal is consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City:

THE R-3 TYPE ZONING WE ARE APPLYING FOR WOULD SUABLE A BUYER TO EITHER PUT UP APT/DUPLEXES OR A SINGLE FAMILY DWELLING WITH IS ACCORDING TO PLOTS AROUND IT IS ZONED FOR RENTALS OR OWNED HOUSING STRUCTURES. AND WOULD FIT IN WITH CITY PLANS RATHER THAN A POTENTIAL COMMERCIAL STRUCTURE AMONGST HOMES.

3. Explain how the public need would be best served by changing the zoning classification of the property under consideration as compared with other available property:

IT WOULD BE BEST SERVED AS I STATED IN CONTINUING RESIDENTIAL STYLE HOMES THAT SURROUND IT.

4. Why is the property in question suited for the use requested:

IT HAS UTILITIES ALREADY ON SITE OR AVAILABLE TO CONNECT TO. IT IS LEVEL AND GROUND IS SOFT FOR A FOUNDATION TO BE PUT IN.

REQUIRED SIGNATURE(S):

I hereby certify that I am the applicant named herein and that I have familiarized myself with the rules and regulations with respect to preparing and filing this application and that the statements contained herein and the information attached are in all respects true and accurate to the best of my knowledge.

In signing this application, I hereby grant the City of Myrtle Creek or its representative my permission to enter and evaluate my property for the purpose of processing this application.

Signature of All Owners:

1. Dave Edwards 541-285-5450 DAVE EDWARDS
Signature Phone Printed Name

P.O. Box 604 Myrtle Creek, OR 97457
Address

2. _____
Signature Phone Printed Name

Address

3. _____
Signature Phone Printed Name

Address

4. _____
Signature Phone Printed Name

Address

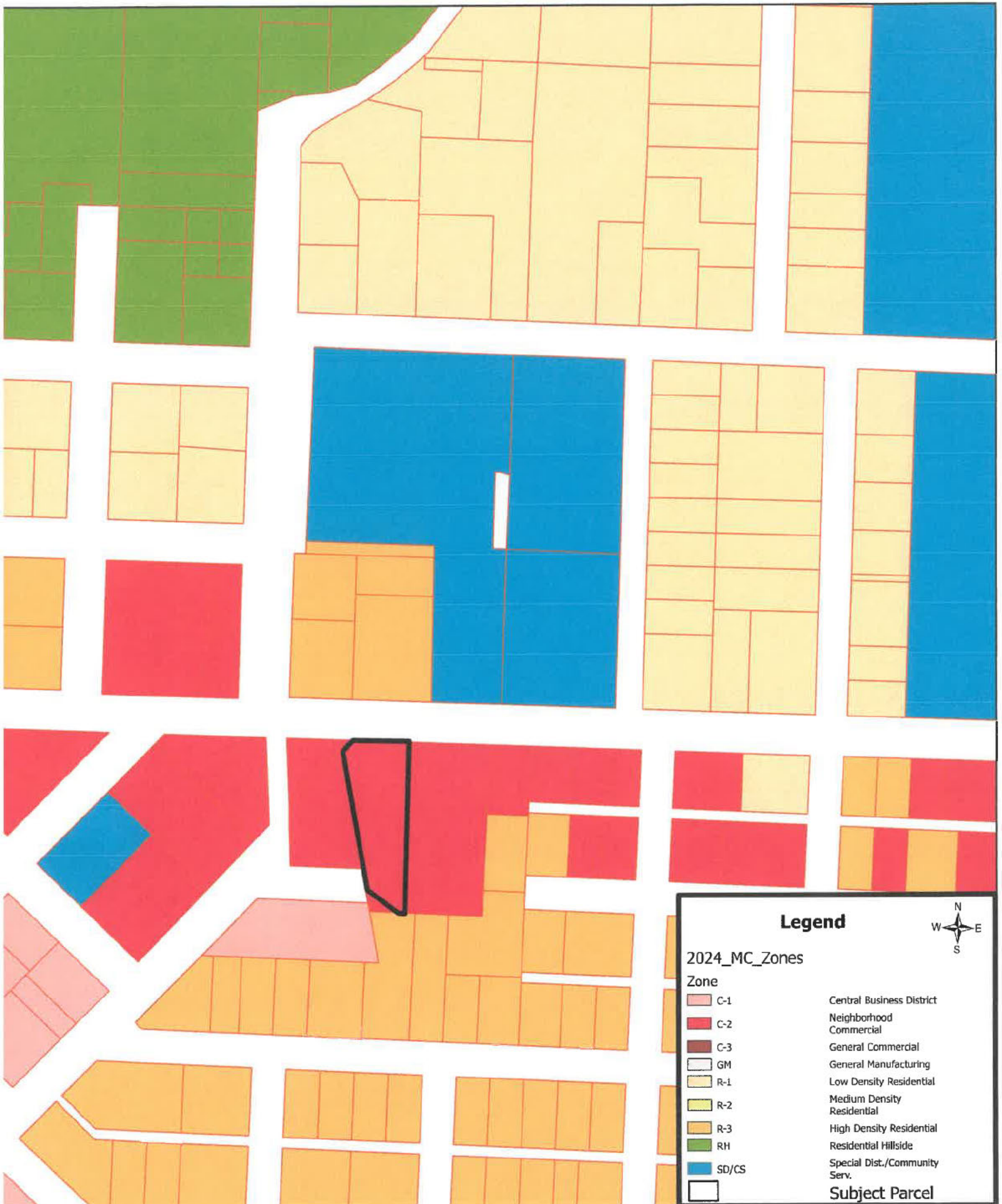
For Office Use Only

Date Received: _____ Received By: _____

Date Complete: _____ Accepted as complete by: _____

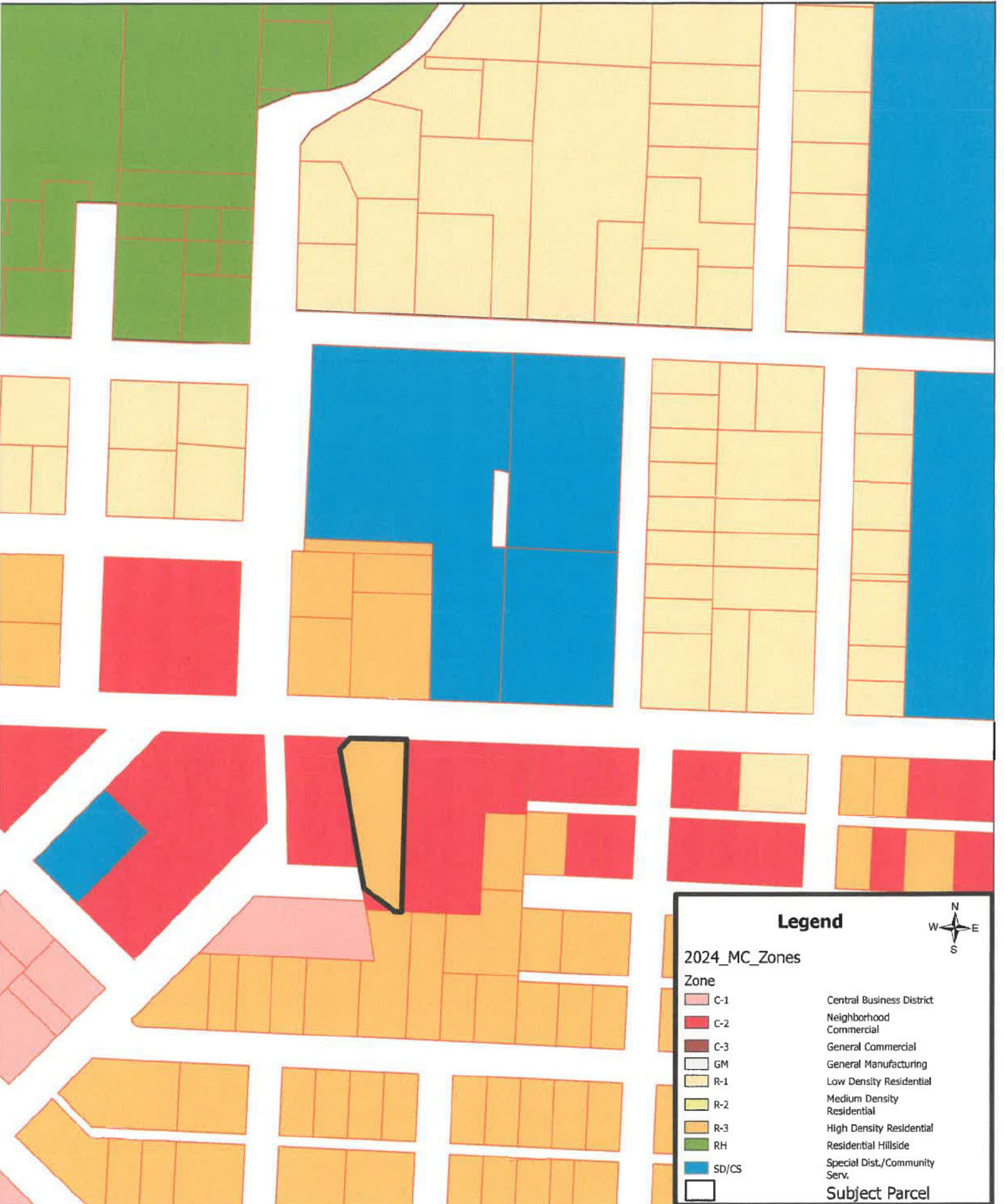
Date Fee Received: _____ Fee Amount: _____

186 NE Division Current Zone



186 NE Division Proposed Zone

Tax Account: R16342
Legal: TRACT M&B V113 P507D,
ACRES 0.47
Map#: 29-05W-27BB-01400



Legend

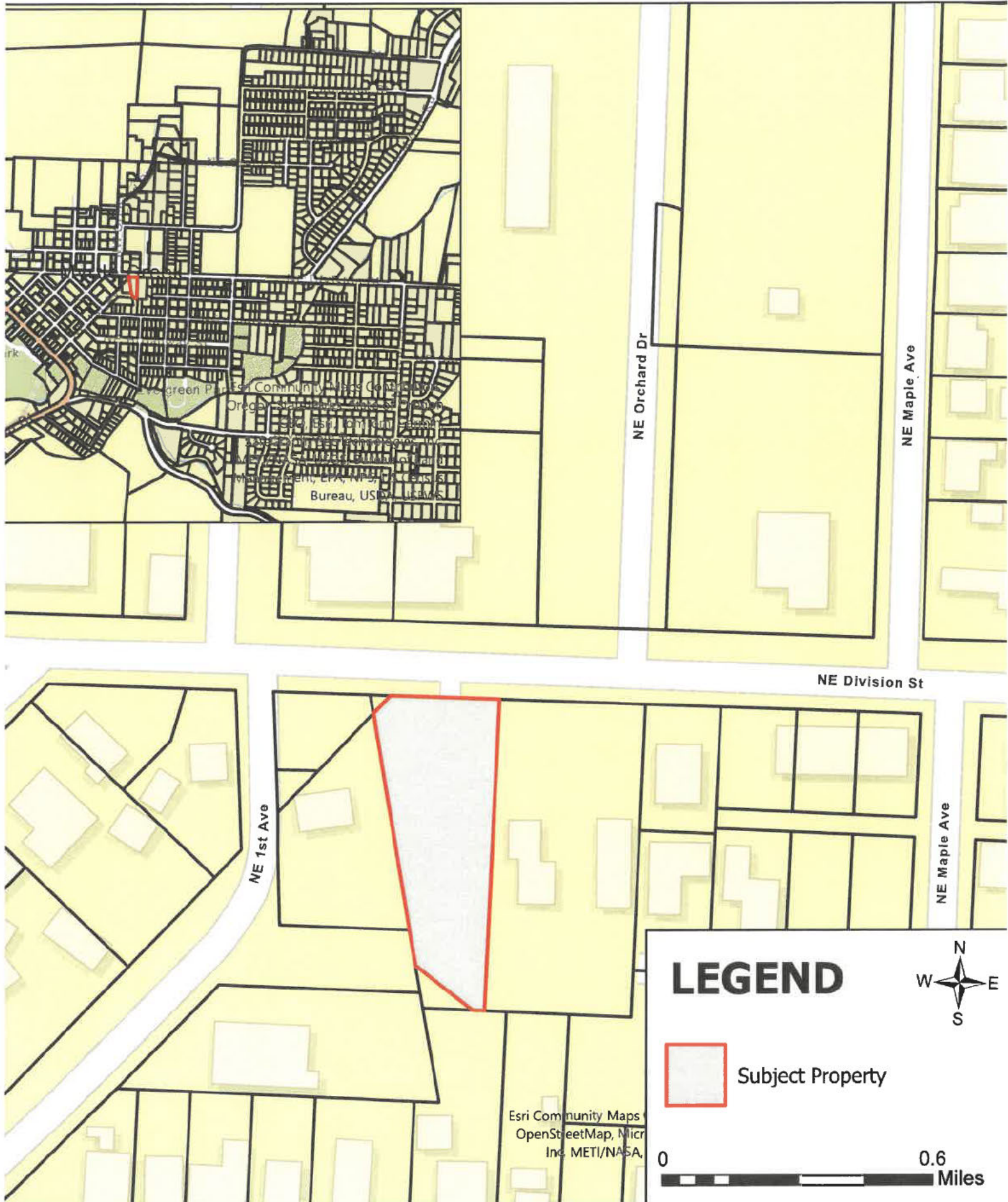
2024_MC_Zones

Zone	
C-1	Central Business District
C-2	Neighborhood Commercial
C-3	General Commercial
GM	General Manufacturing
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential
RH	Residential Hillside
SD/CS	Special Dist./Community Serv.
	Subject Parcel



VACINITY MAP

Issue: Zone Change
Address: 186 NE Division
Tax Account: R16342
Map# 29-05W-27BB-01400



BEFORE THE MYRTLE CREEK PLANNING DEPARTMENT

In the matter of Myrtle Creek First
Assembly of God request for Zone Change
on property addressed
186 NE Division St, Myrtle Creek OR

) Notice of Planning Commission Public
Hearing
) File No. 2024-MC002
)
AFFIDAVIT OF MAILING
)
)

STATE OF OREGON)
)ss.
County of Douglas)

I, Lonnie Rainville, being first duly sworn on oath, depose and say:

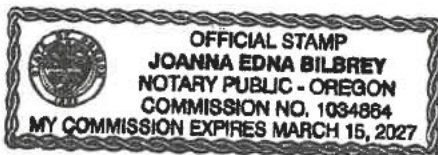
That I am employed by the City of Myrtle Creek, as the City Administrator.

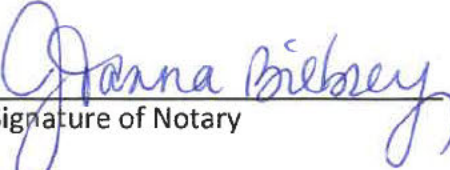
On the **7th day of March 2024**, in the capacity of my employment, I mailed the attached,
Notice of Planning Commission Public Hearing dated same, in an envelope, individually
addressed to each person at the address listed on the attachment.

These envelopes were then sealed, and postage was appropriately applied then on the same
date with the postage thereon fully paid, delivered to the mail to the United States Post Office
around 2:00 p.m.

Lonnie Rainville,
City Administrator

Subscribed and sworn to before me on this **7th day of March, 2024**.




Signature of Notary

March 7, 2024

To: The Douglas County Mail

From: Lonnie Rainville,
City Administrator
207 NW Pleasant St.
Myrtle Creek, OR 97457

For: Legal Notice

Publication Dates: Thursday, March 14 and March 21, 2024

Date, Time, and Place of Hearing:

The Myrtle Creek Planning Commission will conduct a public hearing for a Zone Change request on Tuesday, March 26, 2024, at 5:30 p.m. at City Hall Council Chambers, 207 NW Pleasant St., Myrtle Creek, OR 97457.

Subject Of Hearing:

Myrtle Creek First Assembly of God Church (Applicant) is requesting a zone change from (C-2) Neighborhood Commercial to (R-3)High Density Residential on a .47-acre parcel located at 186 NE Division Street in Myrtle Creek. The planning file number assigned to the application is 2024-MC003.

How To Participate in The Hearing

All interested persons may testify in person by attending the hearing, or they may testify in writing by addressing a letter to the Myrtle Creek Planning Department, P.O. Box 940, Myrtle Creek OR 97457. All written correspondence must be received by the Planning Department no later than 5:00 pm, March 22, 2024.

For additional information regarding the application or hearing please contact Lonnie Rainville, City Administrator at (541) 863-3171.

Lonnie Rainville

From: DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov>
Sent: Monday, January 29, 2024 11:22 AM
To: planner
Subject: Confirmation of PAPA Online submittal to DLCD

Myrtle Creek

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: 2024MC-002

DLCD File #: [001-24](#)

Proposal Received: 1/29/2024

First Evidentiary Hearing: 2/26/2024

Final Hearing Date: 3/19/2024

Submitted by: lrainville

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.