



CITY OF MYRTLE CREEK

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MYRTLE CREEK PLANNING COMMISSION REGULAR MEETING

April 25, 2023
5:30 PM

City Hall Council Chambers
207 NW Pleasant Street

AGENDA

1. CALL TO ORDER / ROLL CALL

Chairperson Angel Smith
Commissioners Tami Lannan, Kelli Johnson, Sharon Umphlett, Cecil Earp

2. PLEDGE OF ALLEGIANCE

3. SWEARING IN OF NEW PLANNING COMMISSION MEMBER – Cecil Earp

4. APPROVAL OF MEETING MINUTES

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

- **Code amendments to camping Ordinances**
 - **9.05.150 - Prohibited Camping**
 - **12.25 - Parks**
 - **18.75.110 – Supplemental Districts**
 - **18.125 – Trailer Houses**
 - **18.190 – Off Street Parking**

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 28, 2023

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

PRESIDING OFFICER: Chair Angel Smith

COMMISSIONERS PRESENT: Kelli Johnson, Sharon Umphlett

COMMISSIONERS ABSENT: Tami Lannan

A quorum was present during this meeting.

STAFF IN ATTENDANCE: Community Development Director Lonnie Rainville, City Recorder Joanna Bilbrey

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

PLEDGE OF ALLEGIANCE

APPROVAL OF JANUARY 24, 2023, MINUTES:

Motion was made by Commissioner Kelli Johnson to approve the minutes for January 24, 2023. Motion seconded by Commissioner Sharon Umphlett. Discussion: No discussion took place.

Vote: Motion passed unanimously.

PUBLIC PARTICIPATION - MATTERS OF PUBLIC CONCERN:

No public participation.

NEW BUSINESS

Public Hearing opened at 5:35 PM

Preliminary Approval of Lancelot Subdivision

City Administrator Lonnie Rainville shared with the Planning Commission the preliminary plans for a new subdivision off Klimback Street. The property is described as 29S 05W 33AC, Tax lot 5000, R128460 and R128461. The tentative subdivision plan and required application were received by the Planning Department on January 27, 2023. Property owners within 150 feet were sent notice of the Public Hearing on February 2, 2023. Notice was published in the Douglas County Mail on February 16th and 23rd of 2023. No written comments were received by the city.

The subject property is zoned R-2 medium density residential. Water and sewer services to the new homes will be provided by Tri-City Water Authority.

During the public hearing, City Administrator Lonnie Rainville, reviewed the zoning criteria and conditions that need to be met for the tentative preliminary plat map to be approved.

General Contractor Thomas Smally shared some of the property owner's ideas for the subdivision.
Public Hearing closed at 5:51 PM.

Motion made by Planning Commissioner Kelli Johnson to approve the tentative preliminary plat.
Motion seconded by Planning Commissioner Sharon Umphlett. Discussion: No discussion took place.
Vote: Motion passed unanimously.

PLANNING ACTIVITIES REPORT

City Administrator Lonnie Rainville shared that we have two subdivisions that will be working through the summer. There has been interest shown in partitioning a couple of lots in the Springbrook area. Construction of a new home on Fairway will begin shortly. The Planning Department has also been presented with plans for accessory dwellings, remodels, and solar projects.

GOOD OF THE ORDER

No items presented for the good of the order.

ADJOURNMENT

Chair Angel Smith adjourned the meeting at 5:59 p.m.

Angel Smith, Chair

ATTEST:

Joanna Bilbrey
City Recorder

9.05.150 Prohibited camping.

(1) Definitions.

“Camp” or “camping” means to set up or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary or permanent place to live/reside. Using or maintaining a fire or stove without other evidence of a temporary place to live/reside shall also be considered camping.

“Campsite” means any place where any indicia of camping is placed, established, or maintained.

“Indicia of camping” means items or activities that may include but are not limited to: any stove or fire or cooking activity outside of authorized areas; storage of personal belongings; use of tents, lean-tos, shacks, vehicles or any other temporary structures or any part thereof for sleeping or storage of personal belongings; designation of an area in a manner to exclude other members of the public by maintaining, using or storing personal belongings or items. Bedding (such as blankets, sleeping bags, or other sleeping matter), by itself, is not indicia of camping.

(2) Except by permit issued by the city recorder for camping in non-designated areas, it is unlawful to camp in or upon any sidewalk, street, alley, lane, public right-of-way or any other place to which the general public has access, or under any bridgeway or viaduct.

(3) No RV or campsite shall be used or occupied on any tract of ground within the corporate limits of the city except as provided in this section.

(4) No person shall use or occupy any RV on the premises of any occupied dwelling or on any lot which is not part of the premises of any occupied dwelling, unless a permit therefor shall have been first obtained as prescribed in Chapter 18.125 MCMC, Trailer Houses and Trailer Coaches, nor shall any person permit such use or occupancy unless the occupant of the RV or camp has obtained a permit therefor.

(5) Exceptions.

- Those experiencing homeless may sleep on public property in compliance with the following Time, Place, and Manner requirements:
 - Time:
Those experiencing homelessness may sleep on public property, that has not been identified as impermissible, from dusk until 30 minutes before sunrise.

- Place:
Those experiencing homelessness may sleep in conformance with time and manner provisions on public property with the following location exclusions:
 - Public Works Water and Wastewater complex;
 - Areas fenced and being used for potable water storage;
 - Maggie Steinbaugh Park;
 - All areas of Millsite Park with the exception of the Disk Golf Course;
 - Public Parking Lots and Right-of-Ways;
 - Property adjacent to the Volunteer Fire Department;
 - Sidewalks where ADA access would be impacted;
 - Evergreen Park;
 - Library Building;

- Manner:
Those experiencing homelessness may use small tents, or other temporary means of portable shelter that must be fully removed daily without impacting the grounds during times not allowable under the time provision of this code.

- Automobile and Recreational Vehicle (RV) Use:
For those experiencing homelessness, an automobile or RV as defined in ORS 446.310(2) shall be allowed for sleeping outside of a permitted or authorized campground, without a permit, provided the following conditions exist and are complied with:
 - Shall be permitted for sleeping during periods that do not exceed 24 hours.
 - Parked in an area that would not impede traffic or create a traffic safety issue.

(6) Any person who violates this section shall be punished, upon conviction, by a fine of not more than \$200.00 for each violation. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime. [Ord. 844 § 1, 2021].

Chapter 12.25

PARKS

Sections:

[12.25.010 Permits.](#)

[12.25.020 Park use requiring fees.](#)

[12.25.030 Park hours.](#)

[12.25.040 Park closures.](#)

[12.25.050 Prohibited acts in city parks.](#)

[12.25.060 Penalties.](#)

Prior legislation: Ord. 503.

Legislative history: Ord. 684.

12.25.010 Permits.

Permits may be obtained at the Myrtle Creek City Hall. The city administrator or administrator's designee shall have authority to issue permits for the following activities:

- (1) To secure temporary entry into a designated camping area.
- (2) To camp overnight at Millsite R.V. Park up to the following maximum number of days:
 - (a) May 15th to September 15th of each year there is a five-day camping limit out of every seven days.
 - (b) September 16th to May 14th of each year there is a 14-day camping limit out of every 18 days.
- (3) To conduct any special events or group activities within park facilities, application must be made seven business days in advance. Special requirements may be applied, based on the nature of the event, for approval of permit.

No person shall engage in any activity described in this section without first obtaining a permit. The city administrator or city administrator's designee may require reasonable terms and conditions for the issuance of permits which are not inconsistent with the terms of this chapter. The duration for the permits shall be set by the city administrator. Fees for all permits shall be as set forth by Resolution 17-07 in the handbook of fees and charges or as otherwise posted. [Ord. 828 § 1, 2019; Ord. 533 § 1, 1984].

12.25.020 Park use requiring fees.

Fees and deposits for permits, camping and rental of park facilities shall be posted in each park and recreational area as set forth by Resolution 17-07 in the handbook of fees and charges or as otherwise posted.

(1) RV camping:

- (a) Campsite providing hookups;
- (b) Campsite without hookups;
- (c) Extra vehicle within campsite.

(2) User fees required as follows:

- (a) Non-youth baseball or softball tournaments;
- (b) Groups reserving park areas;
- (c) Commercial uses;
- (d) Other activities as adopted by resolution.

Note: The city of Myrtle Creek requires a clean-up deposit which will be refunded if all litter and debris are picked up after usage and no damage is done to park facilities. (Baseball or softball tournament deposits are per day per field.)

(3) R.V. dump station:

- (a) Included in fee for campsite with hookup.
- (b) Non-park user. Honor system. Deposit fee in box. [Ord. 828 § 2, 2019; Ord. 533 § 2, 1984].

12.25.030 Park hours.

Parks and recreational areas shall be closed a half hour after sunset until a half hour before sunrise unless otherwise posted. [Ord. 828 § 3, 2019; Ord. 533 § 3, 1984]. [Refer to MCMC 09.05.150 for exceptions for those experiencing homelessness.](#)

12.25.040 Park closures.

The city administrator or the administrator's designee is hereby authorized to close or restrict public use of any park and recreational area or a portion thereof when it is deemed necessary

to protect the public health, safety or welfare or for the protection of the park and recreational area facilities. [Ord. 828 § 4, 2019; Ord. 533 § 4, 1984].

12.25.050 Prohibited acts in city parks.

It shall be unlawful for any person to commit any of the following acts in a city park or recreational area:

- (1) To fail to pay any fees, deposits, rentals or costs assessed for use or rental of park facilities.
- (2) To fail to secure a permit or to violate the terms of any permit required by MCMC [12.25.010](#).
- (3) To disregard, deface, remove, tamper or damage any sign or notice posted or erected by the city.
- (4) To camp in areas not designated for overnight camping. **Refer to MCMC 09.05.150 for exceptions for those experiencing homelessness.**
- (5) To operate or park motor vehicles, bicycles or trailers outside designated spaces in a manner that prevents access to park facilities in excess of designated speed limits.
- (6) To erect, place, post or maintain any advertising matter, sign or printed matter other than legal notices in a park facility in excess of designated speed limits.
- (7) To solicit, sell, offer for sale, peddle or vend any food, liquids, goods, or merchandise or any items without approval of the park commission or the commission's designee.
- (8) To allow any animal:
 - (a) To run at large within park boundaries.
 - (b) To be present inside any park buildings except service animals as defined by the Americans with Disabilities Act. Service animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities.
 - (c) No horses allowed in parks unless on vehicle roadways.
- (9) To operate or use a public address system or any sound system without the approval of the park commission or the commission's designee.
- (10) To shoot archery or golf within park boundaries without a special permit.
- (11) To build an open campfire.

(12) To use a portable stove during fire season.

(13) To leave, deposit, or scatter waste, refuse, or garbage, including but not limited to a person's residential waste, refuse or garbage.

(14) To allow animal excrements that are not disposed of properly to remain.

(15) To possess or consume alcohol without approval from the city.

(16) Smoking or other use of tobacco products: Smoke free zones are designated as follows:

(a) Millsite Park: from the northwest corner of the bunker south to Myrtle Creek, then west to the western edge of the sidewalk along the west side of the leisure lawn area, then north along the western side of the aforementioned sidewalk to the sidewalk along Volunteer Way, then east along the sidewalk on the south side of Volunteer Way to the starting point.

(b) Evergreen Park: all of the area on the interior of the paved loop inside the park.

(c) Creekside: all area west of a line drawn from the southeast corner of the parking lot by Tommy's running north to a point where the east side of the Creekside parking lot meets NE Oak Street.

(d) Maggie Steinbaugh Park: in its entirety.

"Smoking" as used herein shall include: electronic smoking devices, tobacco, marijuana, bidis, cigarettes, cigarillos, cigars, clove cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco, and any burning or smoldering substance in any form. "Electronic smoking device" as used herein includes an electronic or battery-operated device and delivers vapors for inhalation. "Electronic smoking devices" includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. [Ord. 828 § 5, 2019; Ord. 533 § 5, 1984].

18.75.110 Land uses declared to be nuisance.

The keeping of livestock and other uses permitted by this title shall be subject to the regulations adopted by the city relating to public nuisances, such as those uses creating unnecessary noise or affecting the public health. Upon determination that a nuisance exists, it shall be removed in accordance with the procedures for abatement contained in the Myrtle Creek “nuisance ordinance” or as may otherwise be provided. The following land uses are specifically declared to be a nuisance and potential hazard to the public health and safety:

(1) Junk Vehicles. Pursuant to Chapter [8.10](#) MCMC, it shall be unlawful to park, store or leave any licensed or unlicensed motor vehicles of any kind for a period of time in excess of 72 hours which are in a rusted, wrecked, junked or partially dismantled or inoperative or abandoned condition, whether attended or not, upon any public or private property unless said vehicle is enclosed within a building or unless it is in connection with a business property operated in the appropriate zoning district.

(2) Vehicles Over Eight Feet in Width. It shall be unlawful to park, store or leave any vehicle, including a mobile home, that is more than eight feet in width (not including mirrors, bunks or clearance lights) on a residential street or lot for more than 24 consecutive hours unless the storage of said vehicle is essential and directly associated with a permit authorized for the transport and placement of said vehicle.

(3) Living in Vehicles. Pursuant to Chapter [18.125](#) MCMC, it shall be unlawful to use a travel trailer, camper, recreational vehicle or similar vehicle for living or sleeping purposes while parked on public or private property (including public streets) without a “permit for sleeping purposes only,” unless said vehicle is legally parked in a park designed for such purpose. [Ord. 508 § 4.03.8, 1982]. **Refer to MCMC 09.05.150 for exceptions for those experiencing homelessness.**

Chapter 18.125 TRAILER HOUSES AND TRAILER COACHES

Sections:

[18.125.010 Definitions.](#)

[18.125.020 Regulations.](#)

[18.125.030 Reestablishment prohibited.](#)

[18.125.040 Occupational tax.](#)

[18.125.050 Parking - Regulations.](#)

[18.125.060 Parking - Time limit.](#)

[18.125.070 Violations - Penalties.](#)

Legislative history: Ord. 708.

18.125.010 Definitions.

As used in this chapter, the words “trailer coach camp” shall be defined to mean a lot or parcel of land used for the accommodation of two or more trailer coaches occupied as living or sleeping quarters. As used in this chapter, the words “trailer coach” shall be defined to mean any camp car, trailer home or any structure converted from a trailer into a living unit. A “lot” shall be defined to mean a parcel of land either fronting on or having access to a public street with a minimum area of 5,000 square feet or a parcel of land with an area of less than 5,000 square feet if it existed as a recorded lot prior to the passage of the ordinance codified in this chapter. “Person” shall be defined to mean any individual, firm, trust, partnership, association or corporation. [Ord. 216 § 1, 1953].

18.125.020 Regulations.

It shall be unlawful for any person to maintain or operate within the limits of the city of Myrtle Creek any trailer coach camp, except that a trailer camp existing prior to the passage of the ordinance codified in this chapter may continue to operate; provided, that:

- (1) It meets all the requirements of the laws of the state of Oregon governing tourist camps and the rules and regulations of the Oregon State Board of Health pertaining thereto.
- (2) The number of trailer parking units shall not exceed the present provided utility facilities. Present utilities shall not be increased except to comply with the Oregon State Board of Health regulations. [Ord. 216 § 2, 1953].

18.125.030 Reestablishment prohibited.

If an existing trailer camp is discontinued and not in operation for a period of more than six months, it shall not thereafter be reestablished and operated. [Ord. 216 § 3, 1953].

18.125.040 Occupational tax.

An existing trailer camp shall pay an annual occupational tax as established by city council resolution in the adoption of the city of Myrtle Creek handbook of fees and charges. [Ord. 216 § 4, 1953].

18.125.050 Parking – Regulations.

It shall be unlawful to park or place any trailer coach used for sleeping or living purposes within the city for any period of time exceeding three hours, except in a trailer camp, and no cooking shall be done in a trailer coach outside a trailer camp. **Refer to MCMC 09.05.150 for exceptions for those experience homelessness.** It is to be understood that the parking of trailer coaches in the city that are not used for sleeping or living purposes is not regulated by this chapter, but is regulated by the general ordinances of the city regulating vehicular parking when parked on the city streets or alleys; provided, however, that a trailer coach used for sleeping or living purposes may be parked in the city outside of a trailer camp for a period of not to exceed 15 days, with no cooking permitted outside of a trailer camp, after the owner or occupant thereof has secured from the city recorder a permit therefor and has paid a permit fee set by resolution in the handbook of fees and charges. This permit shall be temporary only; and when a permit shall have been issued for a particular trailer coach once in a calendar year, another temporary permit shall not be issued for that particular coach in the same calendar year.

The removal of the wheels or the setting of a trailer coach on posts or footings shall not be considered as removing said trailer coach from the regulations affecting trailer coaches, unless such trailer is made to conform with the building code and other ordinances of the city of Myrtle Creek regulating dwellings and land uses. [Ord. 216 § 5, 1953].

18.125.060 Parking – Time limit.

No trailer shall be parked on any street within the corporate limits for over 24 consecutive hours. [Ord. 216 § 6, 1953].

18.125.070 Violations – Penalties.

Any person, firm, or corporation violating any of the provisions of this chapter, or failing to comply therewith, shall upon conviction in the municipal court be subject to a fine of not to exceed \$100.00 and to imprisonment in the city jail for one day for each \$2.00 of the fine unpaid. [Ord. 216 § 7, 1953].

Chapter 18.90

OFF-STREET PARKING

Sections:

[18.90.010 Parking, storage or use of major vehicle and equipment.](#)

[18.90.020 Off-street parking and loading.](#)

[18.90.030 Automobile parking space requirements.](#)

[18.90.040 Bicycle and pedestrian circulation.](#)

[18.90.050 Exceptions from parking space requirements.](#)

[18.90.060 Off-street loading facilities.](#)

[18.90.070 Off-street parking design standards.](#)

18.90.010 Parking, storage or use of major vehicle and equipment.

(1) Permit for Sleeping Purposes. No travel trailer or other recreational vehicle may be used as a place of habitation on public or private property except for temporary purposes when a “permit for sleeping purposes only” has been issued by the city recorder as provided by the general ordinances of the city or when the recreational vehicle is located within a park legally established for such purposes.

(2) Parking. No major recreational equipment shall be parked on any city street for a period exceeding 24 hours during loading or unloading except with a “permit for sleeping purposes only” **or for those experiencing homelessness, refer to MCMC 09.05.150**. Unless authorized by the city administrator or public works director, vehicles or trailers designed to be towed by a vehicle are prohibited from parking on a street within the city at any time if the combination of motor vehicle and trailer is longer than 40 feet, wider than eight feet six inches or weighs in excess of 26,000 pounds gross vehicle weight (GVW) or any vehicle that requires a commercial driver’s license.

(3) Definition. For purposes of this section, “major recreational equipment” is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and similar equipment, whether occupied or not. [Ord. 836 § 1 (Exh. B), 2020; Ord. 508 § 4.06.0, 1982].