NOTICE OF ADOPTED AMENDMENT

March 30, 2007

TO:          Subscribers to Notice of Adopted Plan
            or Land Use Regulation Amendments

FROM:        Mara Ulloa, Plan Amendment Program Specialist

SUBJECT:     Douglas County Plan Amendment
            DLCD File Number 018-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:  April 13, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE:  THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc:    Doug White, DLCD Community Services Specialist
       John Renz, DLCD Regional Representative
       Mark Bernard, Douglas County

<paa> ya/
FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: Douglas County  Local File No: 06-320

Date of Adoption: March 21, 2007  Date Mailed: March 23, 2007

Date the Notice of Proposed Amendment was mailed to DLCD: December 1, 2007

___ Comprehensive Plan Text Amendment  ___ Land Use Regulation Amendment

___ Comprehensive Plan Map Amendment  ___ Zoning Map Amendment

___ New Land Use Regulation  ___ Other: (Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write “See Attached.”

A Plan map designation amendment from (RLD) Low Density Residential to (CC) Community Commercial and a zone change from (RS) Suburban Residential to (C-2) Community Commercial on a 1.08 acre parcel for John and Pamela Shepherd was adopted.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write “Same.” If you did not give notice of the proposed amendment, write “N/A.”

Same.

Plan Map Changed From: RLD to CC

Zone Map Changed From: RS to C-2

Location: Old Pacific Highway in the Myrtle Creek Urban Growth Boundary

Acres Involved: 1.08 acres

Specify Density: Previous: 1DU/15,000 sq ft  New: N/A

Applicable Statewide Planning Goals: 1, 2, 6, 9, 10, 12 & 13

Was an Exception Adopted? Yes: No: X

DLCD File No: dle-06(15726)
Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FOURTY-FIVE (45) days prior to the first evidentiary hearing?** Yes: _X_ No: _

If no, do the Statewide Planning Goals apply? Yes: ____ No: _

If no, did the Emergency Circumstances Require immediate adoption? Yes: ____ No: _

Affected State or Federal Agencies, Local Government or Special Districts: **ODOT, ODF&W, DSL, City of Myrtle Creek, Tri City Rural Fire District, Citizen Communication, Charter Communications, Williams Gas Pipelines, Avista Utilities, Tri City Water and Sewer System, South Umpqua School District No. 19.**

Local Contact: **Mark Bernard**

Area Code + Phone Number: *(541) 440-4289*

Address: **Room 106, Justice Building, Douglas County Courthouse**

City: **Roseburg, Oregon**

Zip Code + 4: **97470**

**ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2)** Copies of the Adopted Amendment to:

   ATTENTION: PLAN AMENDMENT SPECIALIST
   DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
   635 CAPITOL STREET NE, SUITE 150
   SALEM, OREGON 97301-2540

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. **Please Note:** Adopted materials must be submitted to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.

6. In addition to sending "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need more copies?** You can copy this form on to 8½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.
BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

JOHN AND PAMELA SHEPHERD, request for a
Comprehensive Plan Amendment from (RLD)
Low Density Residential to (CC) Community
Commercial, and a Zone Change from (RS)
Suburban Residential to (C-2) Community
Commercial on a 1.08 acre parcel to allow the
establishment of a "events center," in an existing
church building on the site. The site is located on
the southeast side of North Old Pacific Highway
in Myrtle Creek Urban Growth Boundary (UGB). The
property is described as Tax Lot 1800 in Section 32D
of T29S, R5W, W.M., Property I.D. No. R63189, and
is subject to the 100 Year Floodplain Overlay, the
Riparian Vegetation Corridor Overlay, and the Right
of Way Protection Overlay. Planning Department File
No. 06-320.

INTRODUCTION & PROCEDURAL FINDINGS

1. This matter came before the Board of County Commissioners ("the Board") at a public
hearing on March 21, 2007, in Room 216 of the Douglas County Courthouse, Roseburg,
Oregon, pursuant to Section 6.900.2 of the Douglas County Land Use and Development
Ordinance.

2. The matter originally came before the Douglas County Planning Commission on
application filed by John and Pamela Shepherd. The Planning Commission hearing was
held on January 18, 2007, at which time the Commission recommended approval of the
application.

3. The Planning Commission memorialized its decision in a Findings and Decision
document dated February 15, 2007. No appeals of that Decision were filed.

4. At the Board meeting on March 21, 2007, the public hearing on this matter was opened
and parties were given an opportunity to speak on the record. The Board subsequently
deliberated to affirm the Planning Commission decision at the March 21, 2007 public
meeting.

FINDINGS

1. Upon considering evidence and exhibits entered as part of the Planning Commission
record, including the written submittals from the applicant and parties, the written Staff
Report and the Findings and Decision approved by the Planning Commission on
February 15, 2007, and in consideration of evidence considered at the March 21, 2007
Board hearing, the Board finds that the applicable decision criteria, as established in the
Staff Report dated January 11, 2007, have been adequately addressed by the applicant.
2. The Board finds that the relevant facts raised in this matter support the conclusions and
decision reached by the Planning Commission in their Findings and Decision, dated

3. The Board adopts the Planning Commission Findings and Decision as its own.

ORDER

Based on the foregoing, it is hereby ordered by the Board of Commissioners that the
Planning Commission decision is affirmed and the application is GRANTED.

DATED this 21st day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

Chair

Commissioner

Commissioner

O:\PA & ZC\ShepherdBCOrder.wpd
BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

John and Pamela Shepherd, Findings of Fact and Decision, Planning Department File No. 06-320.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 18, 2007 in Room 216 of the Douglas County Courthouse.

The applicant was present at the hearing.

The Planning Commissioners present at the hearing were: Rick Barnes, David Jaques, James Mast, Brian Parkinson, Rich Raynor and Ed Stratton.

The Planning Commission takes official notice of the following:


2. The records of the Planning Department of Douglas County concerning publication and mailing of notice.

FINDINGS OF FACT

1. Application was filed with the Planning Department at least 73 days prior to January 18, 2007.

2. At least 45 days prior to January 18, 2007, notice of the hearing was sent by mail to the applicant, to all property owners within 100 feet of the property which is the subject of the application, to service providers and governmental agencies and to the South Umpqua Planning Advisory Committee (PAC).

3. Notice of the hearing was given by publication in a newspaper of general circulation in the affected area at least 20 days prior to January 18, 2007.

4. At the hearing we recognized the following parties in the matter: John and Pamela Shepherd, applicants and titleholders; Douglas County Public Works, Vic Cangie; Oregon Department of Transportation, Tom Guevara.

5. Staff entered Staff Exhibits 1 through 12, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record.

6. We heard testimony from the applicants, who also stipulated to the Record. During the applicants' testimony, questions were directed at staff concerning the application of the Design Review Overlay (AC). Staff clarified the nature of the AC overlay as an efficient mechanism to ensure the compatibility of the proposed Commercial use with surrounding Residential uses. Staff also cited statements made in the Staff Report that the AC overlay would only pertain to parking, access, traffic circulation and screening issues.

7. The Commissioners discussed whether issues related to access, parking and traffic circulation would be resolved more appropriately through the access permit and planning worksheet processes. Staff expressed that with potentially high peak traffic volumes generated by the
proposed Commercial use of the subject property, parking and traffic issues would be best resolved through the ministerial process provided by the AC overlay.

8. We considered the benefits of applying the AC overlay to the subject property and concluded that if the applicants objected to specific traffic, parking and screening elements proposed by the AC overlay, the opportunity to appeal its application to the Planning Commission would be available.

9. Seeing no opposition, we moved to adopt the findings of the Staff Report, with amendments, concluding that the application meets the criteria for a Plan Amendment and Zone Change as provided in Section 6.500.2 and Section 3.38.100.2 of the Douglas County Land Use and Development Ordinance, and as set forth in the Statewide Planning Goals and applicable Oregon Administrative Rules.

DECISION

Based on evidence received, the findings above and the findings contained in the Staff Report, we APPROVED, subject to a condition restricting the scope of Design Review Overlay, the request for a Comprehensive Plan Amendment from (RLD) Low Density Residential to (CC) Community Commercial, and a Zone Change from (RS) Suburban Residential to (C-2) Community Commercial on a 1.08 acre parcel to allow the establishment of a events center, subject to the following condition:

1. Application of the Design Review Overlay shall be restricted to include only criteria related to access, parking, circulation and screening. Additionally, should the applicants be opposed to any requirements imposed by the Planning Director under the Design Review Overlay, an appeal to the Planning Commission could be pursued. Planning Department electronic comments shall be so noted.

Dated this 15th day of February, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By: [Signature]
Chairman