



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## 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

DEPT OF

D L C D NOTICE OF ADOPTION

MAR 26 2007

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

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Douglas County Local File No: 06-320 (if no number, use none)

Date of Adoption: March 21, 2007 (Must be filled in) Date Mailed: March 23, 2007 (Date mailed or sent to DLCD)

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

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation 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: 018-06(15726)

Did the Department of Land Conservation and Development **receive** a Notice of Proposed Amendment **FORTY-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 sent 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](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE BOARD OF COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON**

DOUGLAS COUNTY OREGON  
FILED

MAR 21 2007

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. )

BARBARA E. NIELSEN, COUNTY CLERK

**FINDINGS OF FACT  
AND ORDER**

**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.

ORDER/ Shepherd  
March 21, 2007  
Page 2

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 February 15, 2007.
3. The Board adopts the Planning Commission Findings and Decision as its own.

**ORDER**

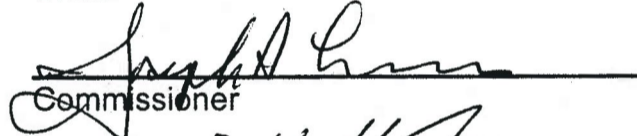
Based on the foregoing, it is hereby ordered by the Board of Commissioners that the Planning Commission decision is affirmed and the application is GRANTED.

DATED this 21<sup>st</sup> day of March, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

## **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:

1. The Douglas County Comprehensive Plan, including the implementing Douglas County Land Use and Development Ordinance, adopted by the Douglas County Board of Commissioners December 31, 1980, effective April 1, 1981, and as later amended, which has been acknowledged by the Land Conservation and Development Commission on December 21, 1982, and by Compliance Acknowledgment Order 83-ACK-12 dated January 18, 1983.
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
-

Decision/SHEPHERD  
Page 2  
February 15, 2007

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 15<sup>th</sup> day of February, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By:   
Chairman