



# 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

### NOTICE OF ADOPTED AMENDMENT

January 10, 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 012-06

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: January 17, 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: Mark Bernard, Douglas County

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D L C D NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

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: 06-220 (if no number, use none)

Date of Adoption: December 27, 2006 Date Mailed: December 29, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 31, 2006

- 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 (CO) Commercial to (IN) Industrial and a zone change from (CRC) Rural Community Commercial to (MRC) Rural Community Industrial on a 0.50 acre parcel to allow the placement of a freeway-oriented advertising sign (billboard) on the property on behalf of Beacon Advertising 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: CO to IN

Zone Map Changed From: CRC to MRC

Location: Deer Hollow Lane in the Rice Hill Rural Community Acres Involved: 0.50 acre parcel

Specify Density: Previous: N/A New: N/A

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

Was an Exception Adopted? Yes: No: X

DLCD File No: 012-06 (15518)

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, North Douglas County Fire & EMS District, Qwest, Charter Communications, Douglas Electric, Cascade Utilities, Yoncalla School District No. 32

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

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### 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

DEC 27 2006

AN ORDER to affirm the Findings of Fact and )  
Decision of the Planning Commission for an )  
Amendment to the Douglas County )  
Comprehensive Plan Map from (CO) Commercial )  
to (IN) Industrial together with a Zone Change )  
from (CRC) Rural Community Commercial to )  
to (MRC) Rural Community Industrial on a 0.50 )  
acre parcel. Applicant: Beacon Advertising. )  
Planning Department File No. 06-220. )

BARBARA E. NIELSEN, COUNTY CLERK

**ORDER**

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on October 19, 2006, and on request from the above captioned applicant, approved a Plan Map designation amendment for property described below. The subject property is located on the north side of North Umpqua Highway, State Route 138, east of the Glide Urban Unincorporated Area.

Pursuant to Section 6.900.1 of the Douglas County Land Use and Development Ordinance, the Board of Commissioners hereby affirms the Findings of Fact and Decision of the Planning Commission (Exhibit A, dated October 19, 2006, attached).

DESCRIPTION OF PLAN AMENDMENT SITE:

A UNIT OF LAND IN THE NORTH EAST ¼ OF SECTION 28, TOWNSHIP 23 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE NEW LOCATION OF U.S. HIGHWAY 99 IN SECTION 28, TOWNSHIP 23 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN AND ON THE SOUTH LINE OF THE LANDS CONVEYED BY ARTHUR O. ANDERSON AND ESTHER S. ANDERSON AS RECORDED IN VOLUME 109, PAGE 267, DEED RECORDS OF DOUGLAS COUNTY, OREGON, WHICH POINT IS NORTH 85° WEST 2,246.4 FEET FROM THE SOUTHEAST CORNER OF ROBERT SMITH D.L.C. NO. 47 THENCE CONTINUING NORTH 88° 18' WEST A DISTANCE OF 80 FEET; THENCE NORTH 24° 01' WEST 53 FEET TO AN IRON PIPE; THENCE NORTH 43° 26' EAST 90 FEET; THENCE NORTH 21° 23' EAST 65.95 FEET TO THE NORTHERLY PROPERTY CORNER DESIGNATED BY AN IRON PIPE; THENCE SOUTH 88° 18' EAST 114 FEET TO THE NORTHEAST PROPERTY CORNER; THENCE ON THE CHORD SOUTH 29° 27' WEST 200 FEET ALONG THE WEST LINE OF SAID HIGHWAY TO THE PLACE OF BEGINNING, SAID PROPERTY IS SITUATED AT THE RICE HILL TRAFFIC EXCHANGE OF U.S. HIGHWAY 99 AND IS ON THE WEST SIDE OF THIS HIGHWAY.

December 27, 2006

Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Orders that such Plan Amendment shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan Maps shall be changed accordingly.

Dated this 27 th day of December, 2006.

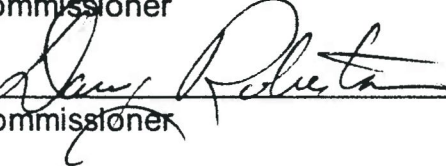
BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

## BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Beacon Advertising, Findings of Fact and Decision, Planning Department File No. 06-220.

This matter came on regularly for hearing before the Douglas County Planning Commission on October 19, 2006 in Room 216 of the Douglas County Courthouse.

The applicant was present at the hearing.

The Planning Commissioners present at the hearing were: Karen Gibbons, Brian Parkinson, David Jaques, Ed Stratton, James Mast and Rich Raynor. Commissioner Gibbons withdrew from participation, deliberation and voting in the matter.

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 30 days prior to October 19, 2006 .
2. At least 20 days prior to October 19, 2006, notice of the hearing was sent by mail to the applicant, to all property owners within 250 feet of the property which is the subject of the application, to service providers and governmental agencies and to the Elk Creek 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 October 19, 2006.
4. At the hearing we recognized the following parties in the matter: Don Jenkins representative of Beacon Advertising, applicant and lessee, Ron Schofield, Schofield & Associates, Applicant's Representative; B & R Emry Enterprises, Inc., titleholder; Oregon Department of Transportation, Amy Joyce.
5. Staff entered Staff Exhibits 1 through 11, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record.
6. We heard testimony from the applicants' representative, who also stipulated to the Record.
7. Seeing no opposition, we moved to adopt the findings of the Staff Report, 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 hereby APPROVE the request for a Comprehensive Plan Amendment from (CO) Commercial to (IN) Industrial and a concurrent Zone Change from (CRC) Rural Community Commercial to (MRC) Rural Community Industrial on a 0.50 acre parcel to allow the placement of a freeway-oriented advertising sign (billboard) on the site.

Dated this 16<sup>th</sup> day of November, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By: 

Chairman