



# 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

July 3, 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 002-07



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: July 19, 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

<paa> n



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

In person  electronic  mailed

DEPT OF

JUN 29 2007

LAND CONSERVATION  
AND DEVELOPMENT  
for DLCD Use Only

Jurisdiction: **Douglas County**

Local file number: **07-038**

Date of Adoption: **6/27/2007**

Date Mailed: **6/28/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **2/28/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Dan Webb adoption of a Plan map designation amendment from (CO) Commercial and (IN) Industrial and a zone change from (CRC) Rural Community Commercial to (MRC) Rural Community Industrial on a 0.15 acre portion of a 2 acre parcel to allow an expanded area for the placement of a freeway-oriented advertising sign (billboard) on the property.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **CO**

to: **IN**

Zone Map Changed from: **CRC**

to: **MRC**

Location: **Prescott Ave. in the Rice Hill RUC**

Acres Involved: **<1**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD #002-07 (15906)*



---

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, ODF&W, Douglas Forest Protection Association, North Douglas County Fire and EMS District, Qwest, Douglas Electric, Cascade Utilities, Yancalla School District No. 32

---

Local Contact: **Mark Bernard**

Phone: (541) 440-4289 Extension:

Address: **Room 106, Justice Building**

Fax Number: 541-440-6266

City: **Roseburg**

Zip: 97470-

E-mail Address: **mabernar@co.douglas.or.us**

---

### **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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 not 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 the 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.



BEFORE THE BOARD OF COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

CLERK OF COUNTY  
DOUGLAS COUNTY  
MAY 18 2007  
DOUGLAS COUNTY CLERK

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 together )  
with a Design Review Overlay to limit the number )  
of billboards to one on the 0.24 acre area )  
zoned MRC. Applicant: Dan Webb. )  
Planning Department File No. 07-038. )

**ORDER**

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on May 17, 2007, and on request from the above captioned applicant, approved a Plan Map designation amendment for property described below. The subject property is located in the Rice Hill Rural Community.

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 May 17, 2007, 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:

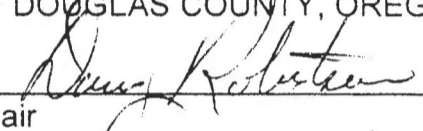
BEGINNING AT A POINT ON THE NORTH LINE OF LOT 9, RICE HILL WEST SUBDIVISION, DOUGLAS COUNTY, OREGON WHICH BEARS NORTH 72° 24' 46" WEST 50 FEET FROM THE NORTHEAST CORNER OF SAID LOT 9; THENCE NORTH 72° 24' 46" WEST ALONG SAID NORTH LINE 133.61 FEET TO THE EASTERLY LINE OF A 60 FOOT WIDE ACCESS AND UTILITY EASEMENT KNOWN AS PRESCOTT ROAD; THENCE SOUTH 16° 59' 14" WEST ALONG SAID EASTERLY EASEMENT LINE 50 FEET; THENCE SOUTH 72° 24' 46" EAST, PARALLEL WITH SAID NORTH LINE OF LOT 9, 133.61 FEET; THENCE NORTH 17° 35' 14" EAST 50 FEET TO THE POINT OF BEGINNING.

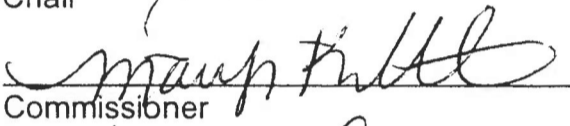
Order/DAN WEBB  
Page 2  
June 27, 2007

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 27th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

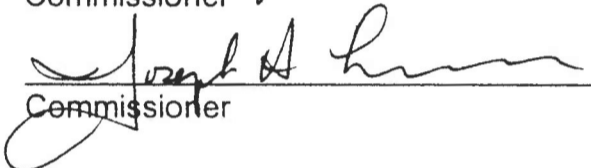
  
Commissioner

EXHIBIT A

**BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION**

Dan Webb, Findings of Fact and Decision, Planning Department File No. 07-038.

This matter came on regularly for hearing before the Douglas County Planning Commission on April 19, 2007 in Room 216 of the Douglas County Courthouse.

The Applicant's Representative were 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 April 19, 2007.
2. At least 45 days prior to April 19, 2007, 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 April 19, 2007.
4. At the hearing we recognized the following parties in the matter: Daniel M. Webb, applicant & titleholder; Ron Schofield, Schofield & Associates, Applicant's Representative; Douglas County Public Works, Vic Cangie; Oregon Department of Transportation, Tom Guevara; John Hollan, adjacent property owner; Steve and Lisa Palmer, adjacent property owners; Al Bruseski, adjacent property owner; Rominy Bechtel, adjacent property owner; and, Roger Drescher.
5. Staff entered Staff Exhibits 1 through 12, including the Staff Report, into the Record and gave the oral staff report.
6. We heard testimony from the applicants' representative, who stipulated to the Record. During testimony by the applicant's representative, the topic arose regarding the movement of the existing freeway -oriented billboard on the subject property in the event the Interstate 5 right-of-way were ever expanded. Finding Number 4 of the Staff Report addresses the application of the Design Review (AC) Overlay to the total area designated MRC limiting the number of freeway -oriented billboards to one. The applicant's representative expressed no objection to the application of the AC Overlay to the total area designated MRC on the subject property.



7. Testimony was heard from Al Bruseski, property owner directly across Prescott Avenue from the existing sign, who cited safety concerns associated with the eventual lighting of the sign and inquired about public need for the billboard. Testimony was also heard from David Bierdon who requested the Commissioners be specific about the entity who could require the movement of the sign (i.e. ODOT only). Further testimony was heard from Steve Palmer who stated that the sign company had punctured the water main when the billboard was installed. Rominy Bechtel had questions regarding the timing of the original Plan Amendment and Zone Change ultimately permitting the placement of the billboard. Roger Drescher, as an interested individual (he wasn't representing the PAC as they hadn't participated in the amendment), testified about previous ODF&W violations by the applicant for building an illegal culvert within the banks of Yoncalla Creek and expressed concern that only one billboard be authorized on the subject property.
8. Members of the Planning Commission inquired about the application of the AC Overlay to the total area designated MRC on the subject property. Staff responded by indicating that the application of the AC Overlay could be used to limit the number of freeway-oriented billboards to one while allowing the applicant flexibility to move the existing billboard within the area designated MRC if necessary.
9. Members of the Planning Commission proposed that a condition of approval be applied in conjunction with the AC Overlay to read "any relocation of the existing freeway-oriented billboard occurs only if it is required by a governmental agency to be moved."
10. Ron Schofield, applicant's representative, addressed issues raised by the neighbors and by Roger Drescher during their initial testimony. Issues raised by neighbors along Prescott Avenue and Mr. Drescher concerning light pollution, the limitation of the number of freeway-oriented billboards on the subject property to one, who could initiate the movement of the existing billboard and public need could be addressed (to extent the issues were applicable to the criteria to the Major Amendment to the already approved Plan Amendment and Zone Change application processed as PD File No. 03-189), by applying the Design Review (AC) Overlay to the total area designated MRC thereby limiting the number of freeway -oriented billboards to one. We deliberated, discussing the application of the AC Overlay and what entity could initiate the movement of the billboard in the event it proved necessary and 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 hereby APPROVE the request for a Major Amendment from (CO) Commercial to (IN) Industrial and a concurrent Zone Change from (CRC) Rural Community Commercial to (MRC) Rural Community Industrial to the already approved Plan Amendment and Zone Change application processed as PD File No. 03-189 to allow expansion of the area previously approved for placement of a freeway-oriented advertising sign (billboard) on the site subject to following conditions:

1. The application of the Design Review (AC) Overlay limiting the number of freeway -oriented billboards to one for the total area of the subject property designated MRC.
-

Decision/WEBB

Page 3


May 17, 2007

2. Any relocation of the existing freeway-oriented billboard shall occur only if a governmental agency requires that the billboard be moved.
3. Any relocation of the existing freeway-oriented billboard shall be in compliance with the setback requirements of the Riparian Vegetation Corridor Overlay or that ODF&W mitigation measures have been applied.

Dated this 17<sup>th</sup> day of May, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By: \_\_\_\_\_

  
Chairman