



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

April 7, 2008

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 017-07



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: April 23, 2008

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

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FORM 2

DLCD

DEPT OF

Notice of Adoption

APR 03 2008

LAND CONSERVATION AND DEVELOPMENT
FOR DLCD USE ONLY

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Douglas County**

Local file number: **07-289**

Date of Adoption: **3/26/2008**

Date Mailed: **4/2/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **11/30/2007**

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

TASCO LLC adoption of 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 0.01 acre portion of a 0.57 acre parcel to allow the placement of a freeway-oriented advertising sign (billboard) on the site.

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: **John Long Road in the Rice Hill Rural Community**

Acres Involved: **0.01**

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

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <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 file No. _____

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

ODOT, North Douglas Fire and EMS, Douglas Electric, Cascade Utilities, Rice Hill Private Sewer System, Yoncalla School District No. 32

DLCD # 017-07 (16561)

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**.



PLANNING DEPARTMENT

Room 106 • Justice Building • Douglas County Courthouse
Roseburg, Oregon 97470

Agency Coordination • Administrative • Long Range • Support Services
(541) 440-4289 • (541) 440-6266 Fax

On-Site Services Community Services
(541) 440-6183 (541) 464-6443
(541) 464-6429 Fax

February 22, 2008

MEMORANDUM

TO: Applicant and All Parties

FROM: Mark Bernard, Administrative Planner

RE: TASCOCO LLC, 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 0.01+ acre portion of a 0.57 acre parcel to allow the placement of a freeway-oriented advertising sign (billboard) on the site. The property is located off of John Long Road next to Exit 148 of Interstate 5, within the Rice Hill Rural Community, and is described as Tax Lots 2000 and 2100 in Section 28D of T23S, R5W, W.M., Property I.D. Nos. R57944 and R58056. Planning Department File No. 07-289. Elk Creek Planning Advisory Committee (PAC).

Official notice is hereby given of the decision of the Douglas County Planning Commission in the matter of the above-referenced request for which a public hearing was held on January 17, 2008.

The above-referenced Plan Amendment and Zone Change has been GRANTED subject to the following condition:

1. The sign at its fullest extent shall be contained entirely within the subject property.

A copy of the Douglas County Planning Commission Findings of Fact and Decision are enclosed with this notice. This document was signed by the Douglas County Planning Commission Chairman on February 21, 2008. This decision will become effective eleven (11) days from the date the decision was signed unless review is sought pursuant to Section 2.500 of the Douglas County Land Use and Development Ordinance.

An information sheet for appeal is enclosed with this notice.

Enclosures

**INFORMATION SHEET
APPEAL OF A PLANNING COMMISSION DECISION
(to the Board of Commissioners)**

This form is designed to assist those who wish to appeal a decision of the Douglas County Planning Commission to the Board of Commissioners.

The Douglas County Land Use and Development Ordinance, Section 2.500, provides a strict procedure which must be followed to appeal a decision regarding land use matters. This procedure must be followed or an appeal cannot be accepted.

To appeal a Douglas County Planning Commission decision requires:

1. Filing a written Notice of Review with the Planning Director no later than 10 days from the date of the decision sought to be reviewed.
2. The Notice of Review shall contain:
 - a. A reference to the decision sought to be reviewed;
 - b. A statement as to how the petitioner qualifies as a party;
 - c. The specific grounds relied upon in the petition request for review; and
 - d. The date of the decision sought to be reviewed.
3. The Notice of Review shall be accompanied by a fee of \$500.00. Any request for a meeting transcript will increase the appeal fee by the estimated amount of the transcript preparation. Printing fees may also apply to the appeal request. Checks should be payable to the Douglas County Treasurer.

The Board of Commissioners reviews, at a public hearing, the Notice of Review from the decision made by the Douglas County Planning Commission. Notice of the time and place of the review, together with any notice of review filed, shall be mailed to parties at least (10) days prior to the date of review. The Board of Commissioners may remand the matter to the Planning Commission for additional information, or they may affirm, reverse, or modify the decision of the Planning Commission. The Board will state their findings in writing and all parties to the review will be sent copies.

Please contact the Planning Department if you have questions or wish assistance in preparing or participating in an appeal.

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

TASCO LLC, Findings of Fact and Decision, Planning Department File No. 07-289.

This matter came on regularly for hearing before the Douglas County Planning Commission on January 17, 2008 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 30 days prior to January 17, 2008.
2. At least 20 days prior to January 17, 2008, 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 January 17, 2008.
4. At the hearing we recognized the following parties in the matter: Ron Bertolami representative of TASCO LLC, applicant and lessee; Peggy Kelley, titleholder; Roger Drescher, representing the Elk Creek PAC; Oregon Department of Transportation (ODOT), Amy Joyce; Oregon Department of Transportation, Tom Guevara; Becky Brier, opponent.
5. Staff entered Staff Exhibits 1 through 13, including the Staff Report, into the Record and gave the oral staff report recommending denial of the application based on the proposed sign's inconsistency with state siting standards for outdoor advertising signs and insufficient need. Staff also read a letter from Tom Guevara of ODOT into the record.
6. We heard testimony from the applicant, who submitted Applicant's Exhibit 1 into the record, written material regarding TASCO LLC, plans for the ultimate placement of outdoor advertising signs and TASCO's desire to test ODOT's authority to regulate such sign placements in instances where no economic gain is being contemplated. He then elaborated on the social benefits of the proposed sign, the fact that no rent would be charged to prospective advertisers nor would any income be earned by the subject property owner to host the proposed sign and the community benefits of the proposed sign.

February 21, 2008

7. We heard testimony from the opponents, including Becky Brier and Roger Drescher, who stated that there is no further need for outdoor advertising signs in the Rice Hill area, wondered whether the proposed sign would overhang into existing right-of-way and that the location proposed for the sign would block the traveling public's view of the restaurant, service station and the northbound I-5 interchange offramp at Exit 148.
8. Ron Bertolami, applicant's representative, addressed issues raised by the opponents during their initial testimony including the size of the proposed sign and whether it would overhang any existing right-of-way. Discussion ensued regarding a continuance to review materials consider whether the proposed sign would meet state siting standards. Further discussion followed concerning standard size for outdoor advertising signs. We deliberated, discussing sign size and need and we moved to adopt the findings above and the findings contained in 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

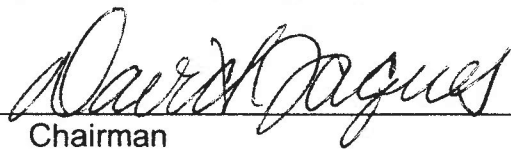
Based on evidence received, testimony heard and the above findings , we hereby APPROVE the request for a Comprehensive Plan Amendment from (CO) Commercial to (IN) Industrial and a concurrent Zone Change from (CRC) Rural Community Commercial to (MRC) Rural Community Industrial on a 0.01± acre portion of a 0.57 acre parcel to allow the ultimate placement of a freeway-oriented advertising sign (billboard) on the site subject to the following condition:

1. The sign at its fullest extent shall be contained entirely within the subject property.

Dated this 21st day of February, 2008.

DOUGLAS COUNTY PLANNING COMMISSION

By: _____


Chairman

BEFORE THE DOUGLAS COUNTY PLANNING DEPARTMENT

In the matter of TASCOCO LLC) Memo, FOF & Decision
Application for P/A (PT CO TO IN) & Z/C PT CRC TO MRC)) File No. 07-289
on property described as TA# R57944 & R58056, T23, R5,)
SEC. 28D, TL# 2000 & 2100) AFFIDAVIT OF MAILING

STATE OF OREGON)
) ss.
County of Douglas)

I, Kristi A. Gilbert, being first duly sworn on oath, depose and say:

That I am employed by Douglas County, Oregon, as Planning Technician in the Planning Department.

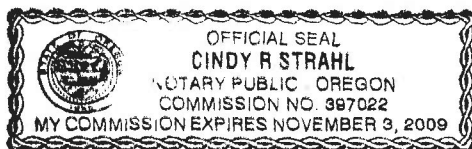
That on the 22nd day of February, 2008, in the capacity of my employment, I mailed the attached Memorandum, dated same, and Findings of Fact and Decision, dated February 21, 2008, to each of the persons on the attached list, by placing a copy of this Memorandum, dated same, and Findings of Fact and Decision, dated February 21, 2008, in an envelope, individually addressed to each person at the address listed below each person's name on the attached list.

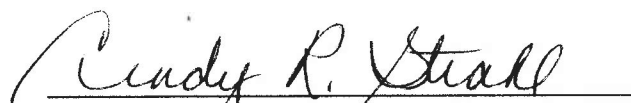
These envelopes were then deposited at the Douglas County General Services Department who in turn, by use of a postage machine, sealed the envelopes and applied the appropriate postage, then on that same date with the postage thereon fully paid, delivered the mail to the United States Post Office about 5:00 p.m.



Kristi A. Gilbert, Planning Technician

Subscribed and sworn to before me this 22nd day of February, 2008.





Signature of Notary

**TASCO LLC
16341 CHINO-CORONA RD
CHINO CA 91708**

**RON BERTOLAMI
1503 LAKEVIEW DRIVE
SILVERTON OR 97381**

**PEGGY L. KELLEY
590 JOHN LONG RD
OAKLAND OR 97462**

CHERYL

ADDRESSING

READING

MARK (2)

ASSESSOR'S OFFICE

**ODOT
ATTN: TOM GUEVARA
3500 NW STEWART PARKWAY
ROSEBURG OR 97470**

**ELK CREEK PAC CHAIR
ROGER DRESCHER
865 SOUTH ELK CREEK RD
DRAIN OR 97435**

**AMY JOYCE
PROGRAM ANALYST
ODOT RIGHT OF WAY SECTION
355 CAPITOL STREET NE
SALEM OR 97301-3871**

Jan

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

MAR 27 2008

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 0.01)
acre portion of a 0.57 acre parcel.)
Applicant: TASCO LLC.)
Planning Department File No. 07-289.)

BARBARA E. NIELSEN, COUNTY CLERK

ORDER

The Douglas County Board of Commissioners being informed that the Douglas County Planning Commission, on February 21, 2008, and on request from the above captioned applicant, approved a Plan Map designation amendment for property described below. The subject property is located on John Long Road within the Rice Hill 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 for the Plan Amendment site described in Exhibit A attached hereto.

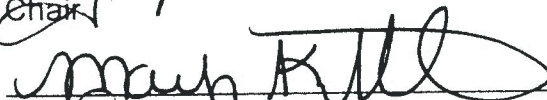
Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Orders.

The Plan Amendment shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan Maps shall be changed accordingly. The Board of Commissioners further directs the Planning Department that any sign placement permits required by the Oregon Department of Transportation pursuant to Oregon Revised Statutes Chapter 377 be secured prior to the issuance of a County authorization of any new outdoor advertising sign structure under this Plan amendment.

Dated this 26th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chair


Commissioner

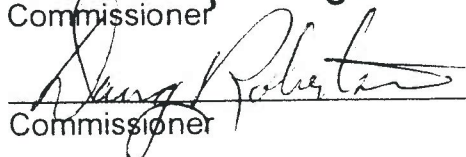

Commissioner

EXHIBIT A

KELLY-TASCO LLC

A parcel of land located in the Southeast Quarter (SE 1/4) of Section 28, T. 23S., R.5W., W.M. being a portion of Parcel 2 of those parcels of land described in that deed to Peggy Kelley recorded as Instrument No. 98-23285 in the Official Records of Douglas County, Oregon and being described as follows:

Beginning at a point on the East Right of Way Line of U.S. Interstate Highway No. 5 from which the Southeast Corner of the Robert Smith Donation Land Claim No. 47, T.23S., R.5W., W.M. bears S.84°11'25"E., 1899.27 feet; thence S.75°13'48"E., 48.00 feet to a point; thence S.26°47'41"W., 20.00 feet to a point; thence N.51°10'50"W., 48.00 feet to the point of beginning and containing 469 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

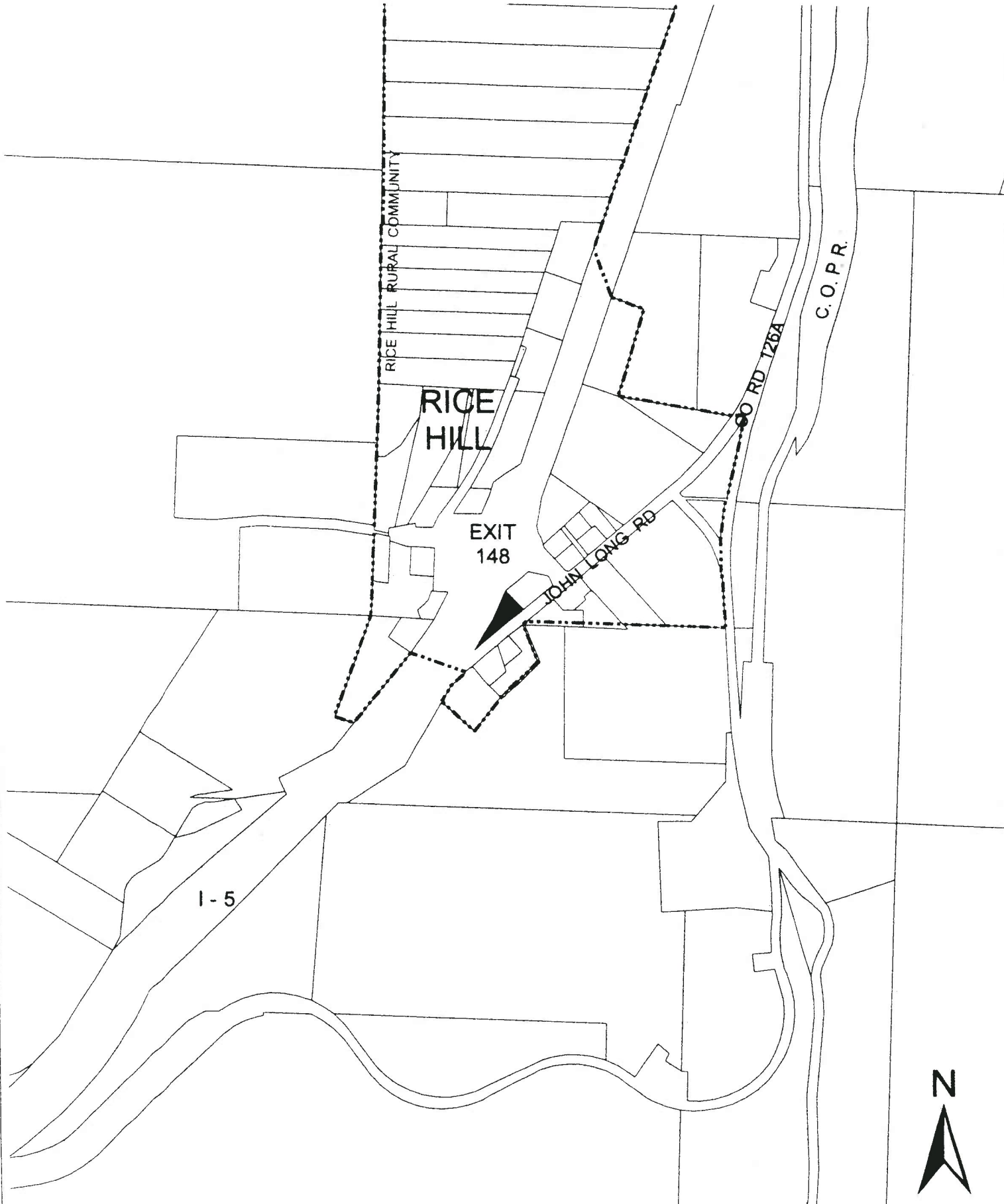
Kristian O. DeGroot

OREGON
JULY 17, 1981
KRISTIAN O. DeGROOT
#1941

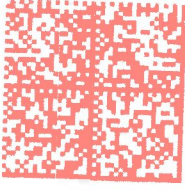
RENEWAL 12/31/07

VICINITY MAP
T23S R5W SEC 28

P/D 07-289
TASCO LLC



**DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470**



NEOPCST

\$1.31
APR 02 2008
US POSTAGE
First-Class Mail
MAILED FROM 97470
048J0085002878

**DLCD
ATTN: PLAN AMENDMENT SPEC.
635 CAPITOL STREET NE SUITE 15
SALEM OR 97301-2540**