



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 013-06



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: Doug White, DLCD Community Services Specialist
John Renz, DLCD Regional Representative
Amanda Punton, DLCD Natural Resource Specialist
Mark Bernard, Douglas County

<paa> ya/

FORM 2

DEPT OF

JAN 03 2007

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: 06-235 (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: Conditional Use Permit

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." A Plan map designation amendment to add a small scale site to the Douglas County Mineral Resources Inventory (MRI), a Conditional Use Permit (CUP) to permit mining of the site and a zone change to apply the Mineral Resources Overlay (MRO) to the mining site on behalf of Kruse Farms, property owner, and Harold Buckwalter, lessee, 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: NA to MRI

Zone Map Changed From: NA to MRO

Location: Melrose Road 0.4 miles west of Roseburg Urban Growth Area Acres Involved: 3+/-

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

Applicable Statewide Planning Goals: 1, 2, 3, 5, 6, 7, 9, 12 & 13

Was an Exception Adopted? Yes: No: X

DLCD File No: 013-06 (15519)

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: 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, DOGAMI, Douglas County Fire District No. 2, Qwest, Charter Communications, Pacific Power, Williams Gas Pipelines, Avista Utilities, Green Sanitary District, Umpqua Basin Water Association, City of Roseburg Community Development, Roseburg School District No. 4.

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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

DOUGLAS COUNTY OREGON
FILED

DEC 27 2006

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

AN ORDER to affirm the Findings of Fact and)
Decision of the Planning Commission for an)
Amendment to the Douglas County)
Comprehensive Plan Map to add a small scale site)
to the Douglas County Mineral Resources Inventory)
(MRI) comprising 3± acres of an 95.9 acre parcel,)
together with a Conditional Use Permit to permit)
mining of the site and a Zone Change to apply the)
Mineral Resources Overlay to the mining site.)
Applicant: Kruse Farms Inc. (Buckwalter).)
Planning Department File No. 06-235.)

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 Melrose Road, County Road No. 167, west of the Roseburg Urban Growth Boundary.

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 PARCEL OF LAND IN THE NORTH EAST ¼ OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 6 WEST, WILLAMETTE MERIDIAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHEAST CORNER OF THE ABOVE SAID SECTION 9 BEARS NORTH 30° EAST 1,535 FEET; THENCE SOUTH 25° EAST 379 FEET; THENCE SOUTH 336 FEET; THENCE WEST 100 FEET; THENCE NORTH 22° WEST 719 FEET; THENCE NORTH 87° 37' EAST 200 FEET TO THE POINT OF BEGINNING AND CONTAINING 3 ACRES OF LAND, MORE OR LESS.

Order/KRUSE FARMS INC.

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December 27, 2006

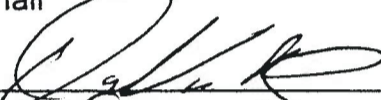
Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Plan Amendment and Orders that such Plan Amendment shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan Maps shall be changed accordingly.

Dated this 27th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON



Chair



Commissioner



Commissioner

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Kruse Farms, request for Plan Amendment, Zone Change and Conditional Use Permit, Findings of Fact and Decision, Planning Department File No. 06-235.

This matter came on regularly 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, 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.

PROCEDURAL FINDINGS OF FACT

1. At least 20 days prior to the October 19, 2006 Planning Commission hearing scheduled for this matter, notice of the Public Hearing was sent by mail to the applicant, to all property owners within 500 feet of the subject property, to service providers and governmental agencies and to the Callahan Planning Advisory Committee (PAC).
2. 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, 2006.
3. At the hearing, we recognized the following parties in the matter: Kruse Farms Inc., titleholder; Harry Buckwalter, lessee and Ron Schofield, Schofield & Associates, Applicant's Representative.
4. Staff entered Staff Exhibits 1 through 11, including the Staff Report, into the Record and gave the oral staff report, stipulating to the Record. Staff then clarified the nature of the mining of the site, stating that the application as submitted did not propose on-site processing. Staff continued by stating that approval of a CUP as part of this application would not be interpreted as authorizing an aggregate processing facility in another part of Douglas County to receive material from the proposed mining site. A Supplemental Staff Report, was entered as Staff Exhibit 12, designed to consolidate Staff's recommended Conditions 2, 3 and 5 into a single, more effective condition of approval.
5. We heard testimony from the applicant's representative with regard to staff's recommended conditions of approval.
6. We considered the potential revisions to the conditions of approval as they were proposed by staff and by the applicant's representative.

7. Seeing no opposition, we concluded that the application meets the criteria for a Plan Amendment to add a small-scale aggregate site to the Douglas County Mineral Resources Inventory, a Zone Change to apply the Mineral Resources Overlay to the proposed 3± acre mining site, and a Conditional Use Permit to permit the mining of the site, and we moved to approve the application subject to five conditions as amended in our deliberation.

DECISION

The above-referenced Plan Amendment, Zone Change and Conditional Use Permit on the approximately 3 acre portion of the subject property designated as the mining site has been APPROVED, subject to following conditions:

1. The aggregate removal operation shall operate under active Department of Environmental Quality and Department of Geologic and Mineral Industries permits.
2. Water shall be applied to the peripheral areas of the site and on-site private haul roads, as necessary, to control dust.
3. The aggregate removal operation shall be limited to Monday through Saturday, between the hours of 8:00 a.m. to 5:00 p.m., with no mining activity allowed on Sundays or legal holidays as recognized by Douglas County.
4. The total amount of aggregate material excavated from the 3± acre site shall not exceed the 500,000 ton limit imposed for a small scale site under OAR 660-023-0180(4).
5. The aggregate mining operation shall be conducted substantially in the manner described in the subject application.

Dated this 16th day of November, 2006.

DOUGLAS COUNTY PLANNING COMMISSION

By: 
Chairman