



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 004-07



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: 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

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: **07-045**

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".

Roseburg Paving Company adoption of a Plan map designation amendment to add a large scale site to the Douglas County Mineral Resources Inventory (MRI) and a zone change to apply the Mineral Resources Overlay (MRO) to the mining site.

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

Plan Map Changed from: **N/A**

to: **MRI**

Zone Map Changed from: **N/A**

to: **MRO**

Location: **North Umpqua Highway 4 miles north of Dixonville**

Acres Involved: **44**

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

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 # 004-07 (15912)

DLCD file No. _____

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

ODF&W, ODOT, DOGAMI, Glide Rural Fire District, Pacific Power, Glide School District No. 12

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

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 large scale site)
to the Douglas County Mineral Resources Inventory)
(MRI) comprising 44± acres of an 126.48 acre parcel,)
and a Zone Change to apply the Mineral Resources)
Overlay to the mining site.)
Applicant: Roseburg Paving Company)
Planning Department File No. 07-045.)

DOUGLAS COUNTY
JUL 2 2007
BARBARA WELCH COUNTY CLERK
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 on the northwest side of North Umpqua Highway north of the Dixonville 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 May 17, 2007, attached).

DESCRIPTION OF PLAN AMENDMENT SITE:

A PARCEL OF LAND IN THE NORTH WEST ¼ OF SECTION 29, TOWNSHIP 26 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT A POINT THAT BEARS 45° SOUTHWEST 212 FEET FROM THE NORTHWEST CORNER OF THE T.W. PRATHER DLC NO. 51, SAID DLC CORNER ALSO BEING THE NORTHEAST CORNER OF PARCEL NO. 1 OF LAND PARTITION NO. 2005-47; THENCE NORTH 89° 32' 06" WEST 1,100 FEET; THENCE SOUTH 5° 06' WEST 1,800 FEET; THENCE SOUTH 53° 25' EAST 510 FEET; THENCE SOUTH 89° 29' 37" EAST 570 FEET; THENCE NORTH 0° 33' 20" WEST 1,450 FEET; THENCE NORTH 25° 36' 36" EAST 707.25 FEET, MORE OR LESS TO THE POINT OF BEGINNING, AND CONTAINING 44 ACRES MORE OR LESS.

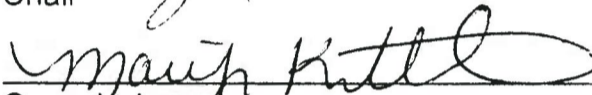
Order/ROSEBURG PAVING COMPANY
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June 27, 2007

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

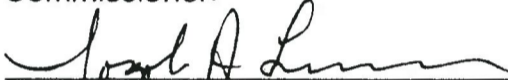

Commissioner

EXHIBIT A

BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Roseburg Paving Company, request for Plan Amendment and Zone Change to add a large-scale site to the Douglas County Mineral Resources Inventory, Findings of Fact and Decision, Planning Department File No. 07-045.

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

The Applicant's Representative 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. Commissioner Barnes 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.

PROCEDURAL FINDINGS OF FACT

1. At least 45 days prior to the April 19, 2007 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 North Umpqua 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 April 19, 2007.
3. At the hearing, we recognized the following parties in the matter: Roseburg Paving Company, applicant & titleholder, Ron Schofield, Schofield & Associates, Applicant's Representative and ODOT, Tom Guevara.
4. Staff entered Staff Exhibits 1 through 14, 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 did not need to address the ESEE consequences of the mining of the site as set forth in OAR 660-023-0180(5)(d) because reasonable and practicable measures were addressed that would minimize conflicts to agricultural practices on surrounding lands. Staff continued by stating that many potential conflicts were minimized by the site

characteristics and topography of the proposed mining and processing site. A proposed condition calling for a small vegetative buffer covering the southeast corner of the proposed mining site to minimize conflicts with the sole dwelling in the impact area was not retained.

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 the applicant's representative.
7. Seeing no opposition, we concluded that the application meets the criteria for a Plan Amendment to add a large-scale aggregate site to the Douglas County Mineral Resources Inventory and a Zone Change to apply the Mineral Resources Overlay to the proposed 44+ acre mining site, and we moved to approve the application subject to five conditions as amended in our deliberation.

DECISION

The above-referenced Plan Amendment and Zone Change on the approximately 44 acre portion of the 126.48 acre subject property designated as the mining site has been APPROVED, subject to following conditions:

1. All aspects of the mining and processing operation shall be conducted in substantial conformance with the operation as described in the application, consistent with the Site Plan and Conceptual Site Reclamation Plan (Applicant's Exhibits A & B, respectively) and as required by these conditions of approval. The mining shall be carried out so that reclamation will proceed in phases as the mining progresses.
2. At least one time annually in early June, the quarry operator shall apply and maintain a dust palliative on the private haul road constructed between the subject property and North Umpqua Highway and to any other on-site haul roads. Water shall be applied to the peripheral areas of the site, as necessary, to control dust.
3. Blasting may occur Monday through Friday only (except that blasting shall not occur on legal holidays recognized by Douglas County) and shall be limited to the hours of 9:00 a.m. to 5:00 p.m. Other mining and processing operations, to exclude loading and hauling, shall be limited to Monday through Saturday, between the hours of 6:00 a.m. to 10:00 p.m., excluding the principal legal holidays of Christmas, New Year's Day, Memorial Day, the Fourth of July, Labor Day and Thanksgiving.
4. The quarry operator shall obtain any permits required by the Department of Geology and Mineral Industries (DOGAMI) and the Department of Environmental Quality (DEQ) for the operation of the quarry with respect to air and water quality standards, and any other applicable standards under the jurisdiction of those agencies.

Decision/ROSEBURG PAVING COMPANY
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May 17, 2007

5. The quarry operator shall provide proof of a valid ODOT Road Approach Permit for the mining and processing operations access to the North Umpqua Highway prior to planning authorization of the mining activities.

Dated this 17th day of May, 2007.

DOUGLAS COUNTY PLANNING COMMISSION

By: David Jacques
Chairman