



# 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 005-07



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  
Cheryl Goodhue, 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: **07-044**

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

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

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **3/2/2007**

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".

Thomas W. Beckley, request for a Major Amendment to a previously approved Plan Amendment and Zone Change (PD File No. 05-132), which added a 38 acre large-scale site to the Do.Co.Mineral Resources Inventory. The Major Amendment request was to reconfigure and expand the site to approximately 64 acres, with the Mineral Resources Overlay applied to the expanded mining area and the Design Review Overlay adjusted to the remainder of the 261.02 acre subject property.

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

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

to: **N/A**

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

to: **N/A**

Location: **Wilbur Road, west of I-5 and the Roseburg UGB**

Acres Involved: **64**

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

*DLCD # 005-07 (15923)*



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, ODF&W, DFPA, DOGAMI, Douglas County Fire No. 2, Qwest, Charter Communications, Pacific Power, Avista Utilities, Umpqua Basin Water Assn., Roseburg School District No. 4

Local Contact: **Cheryl Goodhue**

Phone: (541) 440-4289 Extension:

Address: **Room 106, Justice Building**

Fax Number: 541-440-6266

City: **Roseburg**

Zip: 97470-

E-mail Address: **cagoodhu@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](mailto:mara.ulloa@state.or.us) - ATTENTION:  
PLAN AMENDMENT SPECIALIST.

<http://www.lcd.state.or.us/LCD/forms.shtml>

Updated November 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 a )  
Major Amendment to a previously approved Plan )  
Amendment and Zone Change (PD No. 05-132) )  
which added a large scale site to the Douglas County )  
Mineral Resources Inventory. The Major Amendment )  
reconfigures and expands the mining site to 64± )  
acres, applies the Mineral Resources Overlay to the )  
expanded site and adjusts the Design Review Overlay )  
to the remainder of the 261.02 acre subject property )  
located on Wilbur Road, west of Interstate-5 at Wilbur.)  
THOMAS W. BECKLEY; Planning File No. 06-235. )

**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 Major Amendment to a previously approved Comprehensive Plan Amendment for property described below. The subject property is located on the south side of Wilbur Road, west of Interstate - 5, at Wilbur.

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).

The **Mineral Resources Overlay** is to be applied to the mining site, described as follows:

Beginning at a point, from which the Section Corner common to Sections 7 and 18, Township 26 South, Range 5 West and Sections 12 and 13, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon, bears North 34°18' 08" East 651.86 feet, said point being 550.00 feet South of the North line of Section 13, Township 26 South, Range 6 West, Willamette Meridian, Douglas County, Oregon; thence parallel to said North line of Section 13, North 88°09'39" West 1589.35 feet to a point; thence South 01°50'21" West 1200.00 feet to a point; thence South 35°17'34" East 1305.60 feet to a point; thence North 78°02'03" East, 529.92 feet to a point; thence parallel and 100.00 feet westerly of the westerly right-of-way of Interstate - 5, North 09°15'22" East, 1075.29 feet to a point; thence continuing parallel and 100.00 westerly of the westerly right-of-way of Interstate - 5, North 09°51'55" East, 1058.52 feet to the point of beginning and there terminating. Said described parcel containing 63.67 acres, more or less.

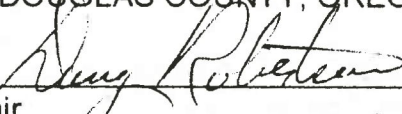
The **Design Review Overlay** is to be applied to a 261.02 acre parcel of land described in Instrument No. 1999-29575, Clerk's Records, Douglas County, Oregon, and also described as Tax Lots 1000, 1001, 1002, 1005, 1400 and 1401 in Section 13 of Township 26S, Range 6W, W.M., EXCLUDING THEREFROM, that 62.67± acre portion of said parcel to which the Mineral Resources Overlay is being applied.

Order/BECKLEY MAJOR AMENDMENT  
Page 2  
June 27, 2007

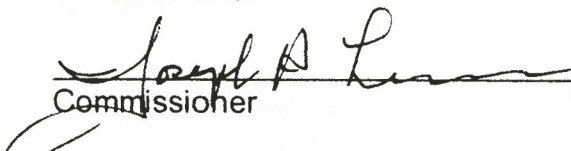
Based on the aforementioned Findings of Fact and Decision as affirmed, the Board of Commissioners hereby GRANTS the requested Major Amendment to the previously approved Plan Amendment, and Orders that such Amendment shall be filed in the County Court Journal, and the Douglas County Comprehensive Plan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

Dated this 27th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

## BEFORE THE DOUGLAS COUNTY PLANNING COMMISSION

Thomas W. Beckley, request for a Major Amendment to a previously approved Plan Amendment and Zone Change (PD File No. 05-132) to reconfigure and expand the approved mining site to 64± acres, Findings of Fact and Decision, Planning Department File No. 07-044.

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 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.

### 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 all individuals who had participated in the initial Plan Amendment and Zone Change, to service providers and governmental agencies and to the Roseburg-Green 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: Thomas W. Beckley, applicant; Thomas Weaver Beckley TRS of credit Equivalent Trust, titleholder; Ron Schofield, Schofield & Associates, Applicant's Representative; Douglas County Public Works, Vic Cangie; ODOT, Tom Guevara; Douglas County Fire District No. 2, Josep Pedrola; R.L. & D.M. Smith, Christine Medler; Pat Shough; Phillip M. & Patricia A. Wagner.
  4. Staff entered Staff Exhibits 1 through 13, including the Staff Report, into the Record and gave the oral Staff Report.
  5. We heard opening testimony from the applicant's representative. We heard testimony from the applicant addressing specific questions from the Commission including why the applicant was requesting expansion so soon, frequency of blasting and what impact the expansion will have on blasting.
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Decision/BECKLEY

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May 17, 2007

6. We heard testimony from the opposition which included concerns as to whether the applicant had obtained all necessary permits, and that the applicant would continue to expand.
7. We heard rebuttal from the applicant as to his coordination with regulatory agencies including DEQ and DSL, and of his inability to obtain a final inspection from DSL. The applicant also explained the reason for the expansion, being that blasts subsequent to the initial approval revealed that higher quality material exists in the direction of the newly-configured site.
8. We concluded that the applicant has exercised due diligence in obtaining his required permits and good stewardship in conducting his operation. We determined that the reconfigured site though expanded, will have less impact on the surrounding use, not only because it is shifted to the east away from the proximate residences, but also because the depth of the hillside into which the quarry will mine will serve to shield the surrounding uses from both sight and sound more effectively than the previous configuration.
9. We moved to approve the requested Major Amendment with all conditions of the original approval still in full force and affect, except as amended in the Staff Report to reflect the Major Amendment; the motion passed unanimously.

#### DECISION

The requested Major Amendment to a previously approved Plan Amendment and Zone Change (PD File No. 05-132) to reconfigure and expand the approved mining site to 64± acres 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, as depicted on the Conceptual Site Development Plan dated 02/07, and on the Conceptual Site Reclamation Plan as revised on November 17, 2005, and as further required by these conditions of approval. The mining operation shall be carried out so that reclamation will proceed in phases as the mining progresses.
2. The "Sound-blocking Berm" located to the north and west of the stockpile/loading area shall be not less than 10 feet higher than the top of the processing equipment located in the adjacent stockpile/loading area.
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 shall be limited to the hours of 7 a.m. to 5:00 p.m., Monday through Saturday, excluding legal holidays. When mining and processing operations are not allowed to be conducted, the operator shall maintain a locked gate at the entrance to the stockpile area.
4. Pre-Blast Notice:
  - a. The quarry operator shall maintain a Notification List containing the names and telephone numbers of the owners of real property who reside on property located partially or wholly within 2,500 feet of the quarry site who have requested in writing that they receive advance



- notice of blasting at the quarry site. The operator shall update the list by April 1 of each year to ensure that the residents can be properly notified. Any person may have their name removed from the notification list by submitting a written request to the quarry operator.
- b. The quarry operator shall give notice by telephone to all individuals on the Notification List not less than two hours, nor more than 24 hours, prior to a scheduled blast event. Such notice shall be given between 9:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. The notice shall include a statement by the caller of the scheduled time of the blast. The scheduled time of the blast may be within a two hour time frame.
  - c. The quarry operator shall maintain a Notification Log documenting the date and time notice was given to the individuals who have requested such notice. The Notification Log shall show the time the notification call was placed and the name of the person answering the call. If two unanswered calls are placed to a party on the list not less than two hours apart, the caller shall note on the Log the times of the calls together with a notation of "no answer" and the telephone notification requirement shall be deemed satisfied. If the call is received by an answering machine, voice mail or similar recording, the caller shall leave a voice message containing the required notice information, and shall so note on the Log. The Notification Log shall contain a written statement signed by the caller attesting to the fact that all parties were given notice in the manner specified herein, and that all of the information on the Log is true and accurate to the best of the caller's knowledge and belief. The quarry operator shall make the notification log available for the public to review.
5. To control dust, the applicant shall maintain the private haul road with an asphalt paved surface from its intersection with Wilbur Road to the stockpile/loading area as shown on the Conceptual Site Development Plan as submitted on 02/07. The required paving shall be installed not later than the start of commercial hauling of aggregate from the site. Additionally, the quarry operator shall water the processing operations and gravel stockpiles as needed to control dust.
  6. 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. The operator shall provide the Planning Department with copies of any new or renewed permits issued by DOGAMI and DEQ within 90 days of receipt of such permits but not later the start of commercial mining operations.

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

DOUGLAS COUNTY PLANNING COMMISSION

By:   
Chairman