



# 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

December 18, 2007



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment  
DLCD File Number 005-07 [ORIGINAL LOCAL FILE NO. CLUP/ZC 5-07]

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 4, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Les Wilson, Klamath County

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**2** 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

DATE STAMP  
**DEPT OF**  
**DEC 17 2007**  
**LAND CONSERVATION AND DEVELOPMENT**  
For DLCD Use Only

Jurisdiction: Klamath County Local file number: ZC 13-07 Ord 45.67

Date of Adoption: 12/13/2007 Date Mailed: 12/14/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 8/22/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
**Legislative amendment to acknowledge Klamath County Goal 5 for Big Game per KCLDC Article 57. Modification of text addressing residential dwelling siting standards for both resource and non-resource lands within the Big Game Overlay.**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".  
**Adopted Ordinance changed from proposed text to delete paragraph sections 2A & 2B and adding text to section 2D & renumbering.**

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

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

Location: Klamath County Acres Involved: N/A

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

Applicable Statewide Planning Goals: 5

Was and Exception Adopted?  YES  NO

DLCD File No.: \_\_\_\_\_

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

**DLCD, Klamath County, Dept. of Forestry, Oregon Dept. of Fish & Wildlife, US Fish & Wildlife, US BLM, USFS, Klamath Tribes.**

Local Contact: **Les Wilson, Interim Director** Phone: **(541) 883-5121** Extension: **3085**

Address: **305 Main Street** City: **Klamath Falls**

Zip Code + 4: **97601-** Email Address: **lwilson@co.klamath.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 (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** 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 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 copy this form on to 8-1/2x11 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 **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF KLAMATH

RECEIVED  
DEC 10 2007  
by Board of Commissioners

**IN THE MATTER OF AMENDING ARTICLE 57.070(C)(2)  
OF THE KLAMATH COUNTY LAND DEVELOPMENT CODE**

**ORDINANCE 45.67**

WHEREAS, the Klamath County Planning Department is amending Article 57.070(C)(2) (Residential Development Standards) to provide language for clarification in residential dwelling siting standards in the Significant Resources Overlay for the Big Game Winter Range; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on November 6, 2007 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, to bring the Klamath County Land Development Code in conformance with previous land use practices, the Planning Department recommended approval of ORDINANCE 45.67, amending Article 57.070(C)(2) (Residential Development Standards); and

WHEREAS, on November 27, 2007, based on testimony entered and consideration of the whole record, including the proposed Ordinance text identified in the Staff Report, the Klamath County Planning Commission adopted as its own the alternative Ordinance text. Based upon adoption of alternative Ordinance text, the Klamath County Planning Commission concluded the application is in conformance with Article 49 of the Klamath County Land Development Code and Comprehensive Plan, and forwarded a recommendation of approval of Ordinance Number 45.67 to the Board of County Commissioners; and

WHEREAS, on November 6, 2007, based on testimony entered and consideration of the alternative Ordinance text adopted by the Klamath County Planning Commission and upon a unanimous recommendation for approval, the Board of County Commissioners unanimously APPROVED Ordinance Number 45.67, as amended.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY  
ORDAINS AS FOLLOWS:**

***Article 57.070(C)(2) (Residential Development Standards) of the Klamath County LAND DEVELOPMENT CODE is amended to include the following language:***

**ARTICLE 57.070(C)(2) – RESIDENTIAL DEVELOPMENT STANDARDS**

- A. Residential home sites (including accessory buildings) shall not be sited within a critical habitat area or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife, when the habitat area or migration corridor has been identified in the Comprehensive Plan.

B. Fencing provisions shall apply as a condition of approval for any new fences constructed as part of development of a property in conjunction with a conditional use permit or site plan review.

a. New fences on the perimeter of the property shall be designed to permit wildlife passage. The following standards and guidelines shall apply:

1. The distance between the ground and bottom strand or board shall be at least 16 inches.
2. The height of the fence shall not exceed 44 inches above ground level.
3. Smooth wire and wooden fence that allow passage of wildlife are preferred. Woven wire fences are discouraged.

b. Exceptions:

1. Fences around home sites designed to exclude wildlife from gardens, flowerbeds, orchards, etc., shall enclose no more than 1 acre.
2. Corrals used for working livestock.

C. Approval of a dwelling shall be conditioned upon the resident filing a statement with the property deed agreeing to control free-roaming dogs. Said agreement shall include a statement recognizing damage from wildlife may occur when siting a dwelling or accessory building in the Significant Resources Overlay.


D. Approval of a dwelling shall be conditioned upon applicant filing a restrictive covenant with the property deed agreeing to restrict off-road vehicle use from November to April. Farm or Forest tax deferred property is exempt from this covenant, but off-road use is limited to property management, and owner is required to show proof that property is in tax deferral, at time of development.


Dated this 13<sup>th</sup> day of December, 2007

**FOR THE BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
County Counsel  
Approved as to form

**NOTICE OF APPEAL RIGHTS**

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.