



Oregon

Theodore R. Kubongoski, 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

3/31/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment
DLCD File Number 012-09

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: Wednesday, April 14, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bill Adams, Klamath County
Jon Jinings, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA

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**



Jurisdiction: **KLAMATH COUNTY**

Local file number: **CLUP 10-09**

Date of Adoption: **3/12/2010**

Date Mailed: **3/24/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **12/2/09**

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input 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".
Adopted a process to amend the destination resort overlay map, in Goal 8 of the Comprehensive plan.

Does the Adoption differ from proposal? Please select one slightly

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input 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? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, do the statewide planning goals apply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If no, did Emergency Circumstances require immediate adoption? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

DLCD file No. _____

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

Local Contact: **Bill Adams**

Address: **305 Main Street**

City: **Klamath Falls**

Phone: (541) 883-5121 Extension: 3085

Fax Number: 541-885-3644

E-mail Address: badams@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 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.**

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING)
THE KLAMATH COUNTY)
COMPREHENSIVE PLAN TO)
PROVIDE FOR A PROCESS TO)
UPDATE THE DESTINATION)
RESORT MAP (CLUP 10-09)

ORDINANCE 44.83

WHEREAS, the Klamath County Board of Commissioners has the authority to create, amend, modify, or repeal county law or code by Ordinance; and

WHEREAS, the Klamath County Board of Commissioners desires to amend the Comprehensive Plan to meet the requirements of ORS 197.455 (2) to include a process for future updates of the County's Destination Resort Map; and

WHEREAS, The Klamath County Planning Director requested a legislative hearing and provided written notice of the public hearing consistent with the County Land Development Code and state statute: and

WHEREAS, a legislative public hearing was held on February 23, 2010; and a Staff Report with Findings (for file CLUP 10-09) and public testimony was considered before the Klamath County Planning Commission; and

WHEREAS, on February 23, 2010, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission recommended approval of the proposed legislative amendment herein, and said recommendation was forwarded to the Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Board of Commissioners have held said required public hearing on February 23, 2010 and has determined that it is in the best interest of Klamath County to amend the Comprehensive Plan as recommended by the Klamath County Planning Commission.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLAMATH COUNTY ORDERS BY ORDINANCE AS FOLLOWS:

- 1. The Klamath County Comprehensive Plan Goal 8, Policy 11 is hereby amended to include a process for updating the County Destination Resort Map, as provided in Exhibit "A", attached hereto.***

DATED this 12 day of March, 2010.

FOR THE BOARD OF COMMISSIONERS

Cheryl Stukel
Chairman

[Signature]
Commissioner

Out of Office Today

[Signature]
Commissioner

[Signature] 3/11/10
County Counsel
Approved as to form

EXHIBIT A

AMENDMENT TO KLAMATH COUNTY COMPREHENSIVE PLAN GOAL 8 POLICY 11 IMPLEMENTATION:

1st bullet (Underline is new language)

- The County shall map all areas within Klamath County that are eligible for destination resort siting. In addition to the areas required by statute to be eliminated from eligibility, the County will also eliminate from eligibility the following lands: (1) publicly owned lands (i.e., lands owned by the federal government, the state, Klamath County, and any city government; and (2) lands zoned Open Space and Conservation (OS&C). The County shall also exclude from eligibility sites in which the lands are predominantly classified as being in Fire Regime Condition Class 3, unless the county approves a wildfire protection plan that demonstrates the site can be developed without being at a high overall risk of fire.

2nd Bullet (~~Strikethrough~~ is deleted language; Underline is new language):

- The map of eligible sites shall become part of the Comprehensive Plan and Land Development Code and shall be an overlay zone designated Destination Resort Overlay (DRO). ~~The map shall not be revised except in connection with periodic review.~~

The process for collecting and processing concurrently all map amendments made within a thirty (30) month planning period as required by ORS 197.455(2) shall be as follows:

The County Planning Director shall collect all Destination Resort map amendments enacted within the prior 30 month period and shall forward such map amendments, along with any requests for additional map amendments, to the Klamath County Planning Commission which shall hold a public hearing on the additional map amendments and shall make a recommendation to the Board of County Commissioners. The County's process shall utilize the procedures of Article 48 or Article 49 of the Land Development Code for amendments to the Comprehensive Plan; and as described in Goal 2 policy 1 of the Comprehensive Plan. Thirty (30) days prior to a public hearing considering future Destination Resort map amendments the County shall advertise such hearings in the newspaper of general circulation within the County. The County shall initiate this map amendment process no earlier than May 2010 and every 30 months thereafter, depending on map amendment requests. Should the County receive multiple map amendment requests, the County shall consolidate those requests into a single process and file.

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 10-09

FINAL ORDER

WHEREAS, JWTR LLC and Klamath County, requested that the County adopt a process for future amendments of the Destination Resort Map of the Comprehensive Plan; and

WHEREAS, the proposed amendments to the Comprehensive Plan Goal 8 policy 11 comply with ORS 197.455 (2) by adopting a process; and

WHEREAS, the subject proposed amendment to the Comprehensive Plan is attached to this Final Order as Exhibit "A"; and

WHEREAS, the Klamath County Planning Department provided proper notice of a legislative public hearing, including the required 45 day notice to DLCD, held on February 23, 2010 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the Klamath County Board of Commissioners has the authority to create, amend, modify, or repeal county law, code, or plan by Ordinance; and

WHEREAS, based on testimony entered and consideration of the whole record (where no one other than the applicant testified orally or in writing), including the proposed Findings of Fact identified in the February 23, 2010 revised Staff Report, the Klamath County Planning Commission concluded the application was in conformance with ORS 197.455, Article 49 of the Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of Approval for Planning File CLUP 10-09 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and after consideration of the whole record; and, with a unanimous recommendation from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority adopted Staff's Findings of Fact and unanimously APPROVED Planning File CLUP 10-09.

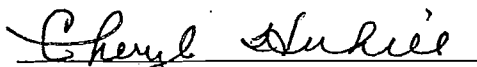
NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDERS AS FOLLOWS:

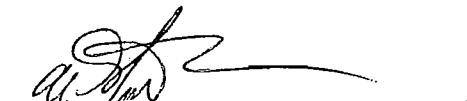
*Direct the Klamath County Planning Director to draft for appropriate adoption by
the Board of County Commissioners an ordinance to:*

- 1. Amend the Comprehensive Plan Goal 8, Policy 11 by incorporating a
process to periodically amend the Destination Resort Map, as provided in
Exhibit "A", attached hereto.*

Dated this 12 day of March, 2010

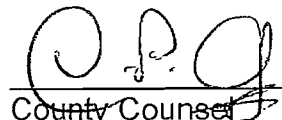
FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner

Out of Office Today

Commissioner

 3/4/10
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.



Klamath County Planning Department
Government Center, 1st Floor
305 Main Street
Klamath Falls, OR 97601

DLCD
ATTN PLAN AMENDMENT SPECIALIST
635 CAPITOL ST NE SUITE 150
SALEM, OR 97301-2540



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03/24/2010
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