



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

October 24, 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 013-07

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: November 6, 2007

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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FORM 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



Jurisdiction: Klamath County Local file number: DRO 1-07

Date of Adoption: 10/8/2007 Date Mailed: 10/12/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 9/4/2007

- 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".

Request to amend the Destination Resort overlay map to add 720 acres of land along Crescent Creek, two miles west of the unincorporated community of Gilchrist, Oregon, The subject land is part of a larger Cascade Timberlands holding that is already designated as qualifying for destination resorts. The last DRO map amendment was for Train Mountain (DRO 5-01) as part of Periodic Review work tas #23 (added 2,590 acres to DRO)

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".

Same

Plan Map Changed from: Forestry to: Forest/Destination Resort (DRO)

Zone Map Changed from: Forestry to: Forestry (DRO applies through plan)

Location: _____ Acres Involved: 720 acres

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

Applicable Statewide Planning Goals: 1, 2, 4, 8

Was and Exception Adopted? YES NO

DLCD File No.: 013-07 (16369)

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:

ODF, ODFW, USFS, BLM all have interests in the general area. DSL, DEQ, ODOT and DLCD may be affected. The area is not served by a fire district or water/sewer.

Local Contact: Les Wilson 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.

DRO 1-07

Cascade Timberlands LLC c/o
Fidelity National Timber Resources Inc.
15 SW Colorado Ave, Ste 3
Bend, OR 97702

Ball Janik LLP Attorneys
Stephanie Hicks
Cc: Linda Swearingen
15 SW Colorado Ave, Ste 3
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W&H Pacific
Ron Hand & Lynn Bruno
920 SW Emkay Drive, Ste C-100
Bend, OR 97702

Nancy Craven
15 SW Colorado Ave
Bend, OR 97702


Gretchen Willager
PO Box 1130
Bend, OR 97702

Filed with the county clerk and mailed to the above
this 9th day of October, 2007



Shanna L. Done

Subscribed and sworn to before me this
9th day of October, 2007.



Notary Public for Oregon



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON**

IN THE MATTER OF A COMPREHENSIVE)	
PLAN MAP AMENDMENT OF THE KLAMATH)	DRO 01 -07
COUNTY DESTINATION RESORT OVERLAY MAP)	FINAL ORDER
Cascade Timberlands, LLC (R-2408-00000-01200))	

WHEREAS, Cascade Timberlands LLC, applicant, requested approval of a Comprehensive Plan Map amendment of the Klamath County Destination Resort Overlay Map to add approximately 720 acres to the overlay in a Forestry (F) plan designation and zone; and

WHEREAS, The Klamath County Planning Department provided proper public notice of the public hearings before the Klamath County Planning Commission and Board of County Commissioners on 25 September 2007; and

WHEREAS, DRO 01-07, a post acknowledgement plan amendment, was reviewed by the Klamath County Planning Commission on 25 September 2007 at a public hearing where evidence and testimony was accepted; and

WHEREAS, the applicant provided findings in the record supporting approval of DRO 01-07; and

WHEREAS, Interested parties appeared or entered evidence and testimony; and

WHEREAS, Upon consideration of all evidence and testimony received the Klamath County Planning Commission deliberated to a decision and recommended APPROVAL of DRO 01-07 to the Board of County Commissioners by a vote of three (3) to two (2); and

WHEREAS, The Klamath County Board of Commissioners considered the whole record of the proceedings at their properly advertised public hearing on 24 September 2007, calling for additional evidence and testimony for consideration at that time; and

WHEREAS, Upon review of all evidence submitted and testimony offered, the Klamath County Board of Commissioners concluded the proposed Comprehensive Plan Map amendment of the Destination Resort Overlay Map meets all applicable approval criteria of the Klamath County Comprehensive Plan and Land Development Code, as well as ORS 197.455; and

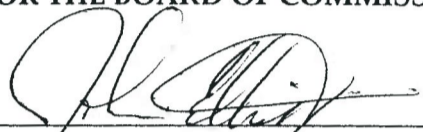
WHEREAS, the Klamath County Board of Commissioners APPROVES DRO 01-07 based on substantial evidence in the whole record, and further directed staff to timely mail notice to all parties with standing.

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

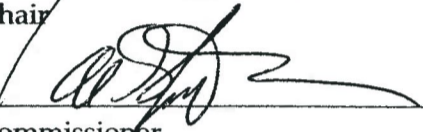
720 acres of land, more particularly described as Township 24S Range 8E Section 15 and the N½ of the NW ¼ of Section 22 (R-2408-00000-01200), is added to the Klamath County Comprehensive Plan Destination Resort Overlay Map as shown on Exhibit 5-A of the record of the proceedings.

DATED this 8th day of October 2007

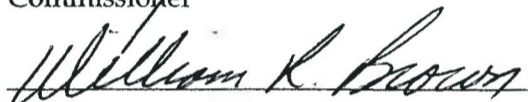
FOR THE BOARD OF COMMISSIONERS



Chair




Commissioner



Commissioner

APPROVED AS TO FORM:



County Counsel

NOTICE OF APPEAL RIGHTS: This Land Use Decision can be appealed to the Land Use Board of Appeals (LUBA) within 21 days of mailing of this Order. For clarification of this right, contact LUBA immediately (503.373.1265).

KLAMATH COUNTY DESTINATION RESORT OVERLAY ZONE

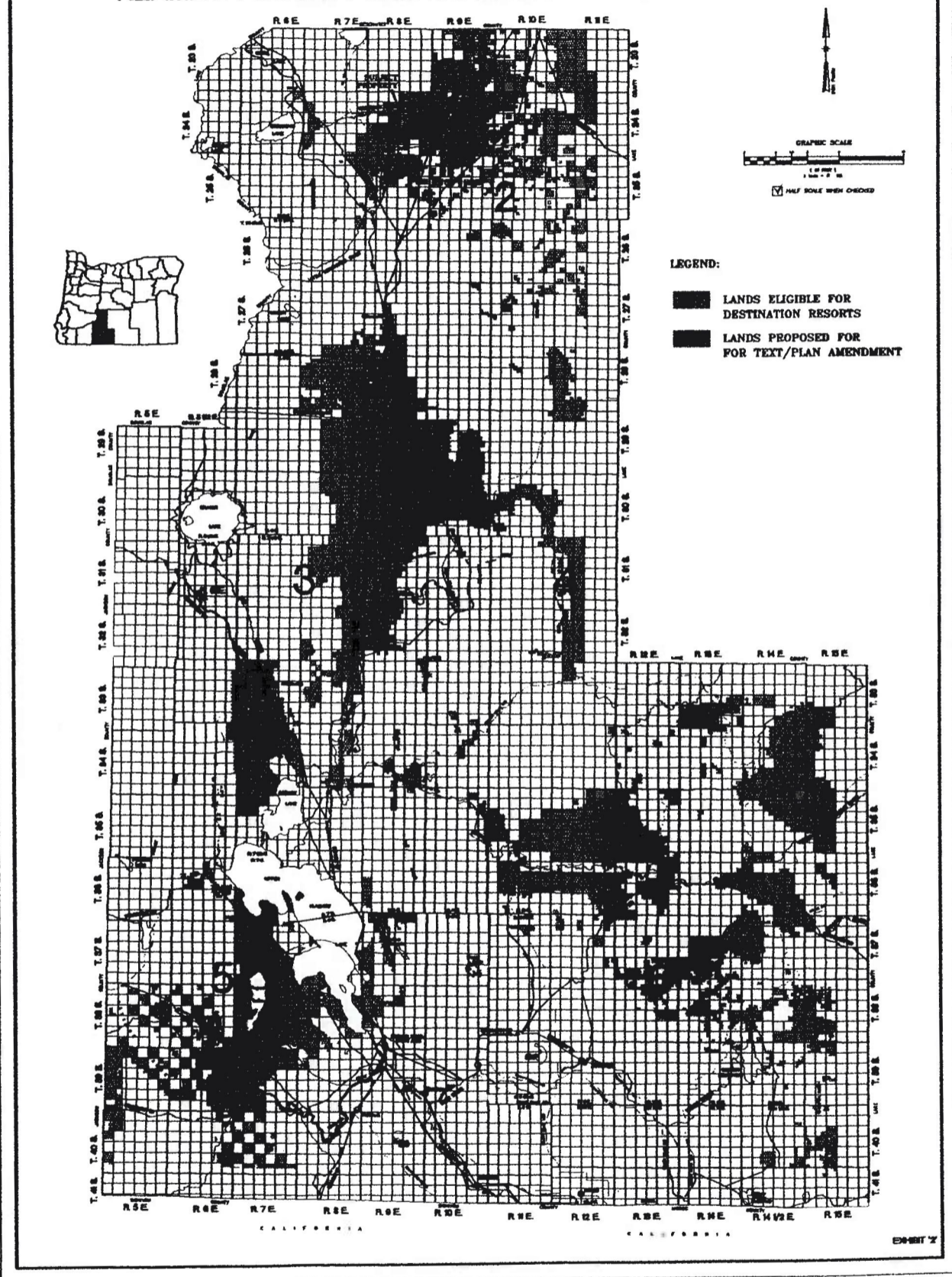


EXHIBIT 5-A