



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

March 31, 2008



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 019-07

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: April 10, 2008

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.

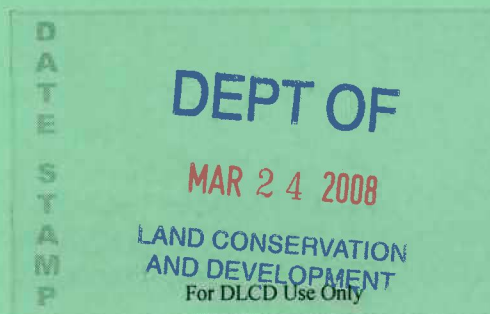
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
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



Jurisdiction: Klamath County Local file number: CLUP / ZC 12-07

Date of Adoption: 3/17/2008 Date Mailed: 3/20/2008

Date original Notice of Proposed Amendment was mailed to DLCD: 12/26/2007

- | | |
|--|--|
| ☐ 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".

Applicant requested a comprehensive plan map amendment and zone map amendment from Non-resource/Non-resource to Rural Residential /R-5 (5 acre minimum lot size) on 585 +/- acres.

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: Non Resource to: Rural Residential

Zone Map Changed from: Non Resource to: R-5

Location: Klamath County Acres Involved: 585 +/-

Specify Density: Previous: 1 Per 20 acres New: 1 Per 5 acres

Applicable Statewide Planning Goals: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 019-07 (16611)

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, Keno Road District, ODOT, DOGAMI, ODF&W, Klamath County School District, DSL/Army Corp., Dept. of Forestry.

Local Contact: **Les Wilson, Director**

Phone: **(541) 883-5121** Extension: **3079**

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.

RECEIVED
MAR 12 2008
by Board of Commissioners

**BEFORE THE BOARD OF COMMISSIONERS
of KLAMATH COUNTY**

IN THE MATTER OF FILE NUMBER CLUP/ZC 12-07

FINAL ORDER

WHEREAS, Don Johnston and Son, applicant, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP for an approximately 585.00± acre property from Non Resource (NR) to Rural (R); and a CHANGE OF ZONE from Non Resource (NR) to Rural Residential (R-5); and

WHEREAS, the amendments will be applied subject to all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on February 26, 2008 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the Klamath County Planning Commission deliberated to a decision, concluding the proposed changes are consistent with or can be made consistent with the COMPREHENSIVE PLAN upon application of the Limited Use Overlay to restrict use of urban services in a rural area; and, subject to compliance with all requirements of Federal, State, and Local law, statutes, rules, and policies; including but not limited to, standards of the Oregon Building Code; the Oregon Fire Code; the Klamath County Comprehensive Plan and Land Development Code; and, the Klamath County Public Works standards, policies and procedures; and

WHEREAS, on February 26, 2008, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Klamath County Planning Commission adopted as its own the Findings of Fact provided in the Staff Report. Based upon adoption of its Findings of Fact, the Klamath County Planning Commission concluded the application is in conformance with Articles 47 and 48 of the Klamath County Land Development Code and Comprehensive Plan, and forwarded a recommendation of approval of File Number CLUP/ZC 12-07 to the Board of County Commissioners; and

WHEREAS, on February 26, 2008, based on testimony entered and consideration of the Findings of Fact adopted by the Klamath County Planning Commission and upon a unanimous recommendation for approval, the Board of County Commissioners APPROVED File Number CLUP/ZC 12-07.

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

The Klamath County Comprehensive Land Use Plan Map is amended to include:

TOWNSHIP 39 South, RANGE 08 East, SECTION 29, TAX LOT 00300
TOWNSHIP 39 South, RANGE 08 East, SECTION 30, TAX LOT 01200
TOWNSHIP 39 South, RANGE 08 East, SECTION 30C, TAX LOT 00100
TOWNSHIP 39 South, RANGE 08 East, SECTION 31A, TAX LOT 00100
TOWNSHIP 39 South, RANGE 08 East, SECTION 32, TAX LOT 00100
(585.00± acres) as a Rural (R) designation; and,

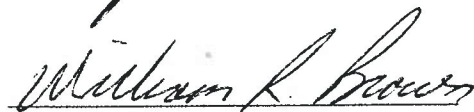
The Klamath County Zoning Map is amended to include:

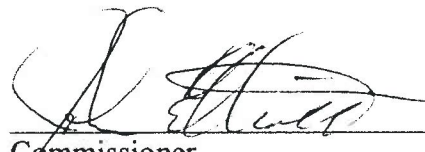
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TOWNSHIP 39 South, RANGE 08 East, SECTION 31A, TAX LOT 00100
TOWNSHIP 39 South, RANGE 08 East, SECTION 32, TAX LOT 00100
(585.00± acres) as a Rural Residential (R-5) zoning designation, with the application of
the Limited Use Overlay (LU) to restrict delivery of urban services to rural lands.

Dated this _____ day of March, 2008

FOR THE BOARD OF COMMISSIONERS


Chairman


Commissioner

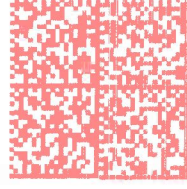

Commissioner


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.

Klamath County
Planning Department
305 Main Street
Klamath Falls, OR 97601



049J82030494

\$00.41

03/20/2008

Mailed From 97601

US POSTAGE

DLCD
PLAN AMENDMENT SPECIALIST
635 CAPITOL STREET NE SUITE 150
SALEM OR 97301-2540

97301+2540 C007

