



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Postal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

May 9, 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 001-07



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: May 23, 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.**

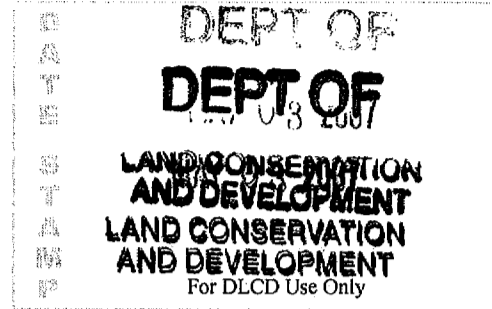
Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Les Wilson, Klamath County Planning Department

<paa> ya/



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: CLUP/ZC 1-07

Date of Adoption: 3/27/2007 Date Mailed: 5/2/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 9/26/2006 1/30/2007

- 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".

The applicant requests a comprehensive plan map amendment and zone change for 11.32 acres of a 76.42-acre parcel from General Commercial/Recreational Commercial to Rural/Rural Residential 5-acre minimum lot sizes. The remaining 64.70 acres are zoned Forestry/Forestry.

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: General Commercial to: Rural Residential

Zone Map Changed from: Recreational Commercial to: Rural Residential (R-5)

Location: N. of Chiloquin Hwy and Hwy 62, W. of Hwy 62 Acres Involved: 11.32 acres

Specify Density: Previous: None New: 1 dwelling/ 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.: 001-07(15831)

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, Chiloquin Fire District, ODOT, ODF, ODFW, DEQ, Klamath County

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.

RECEIVED

APR 27 2007

BOARD OF COUNTY COMMISSIONERS

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

IN THE MATTER OF FILE NUMBER CLUP/ZC 1-07

FINAL ORDER

WHEREAS, Fort Klamath Properties, LLC, Applicant, requested approval of an amendment of the COMPREHENSIVE LAND USE PLAN MAP for an approximately 11.32 acre portion of its property from General Commercial (CG) to Rural Residential (R); and a CHANGE OF ZONE from Recreational Commercial (CR) to Rural Residential (R-5) for approximately 11.32 Acres of a 76.02 acre parcel; and,

WHEREAS, the COMPREHENSIVE LAND USE PLAN MAP AMENDMENT and ZONE CHANGE would provide for the development of that portion of the parcel where the amendments are to be applied subject to all applicable provisions of the Klamath County Comprehensive Plan and Land Development Code; and,

WHEREAS, the use proposed supports Statewide Land Use Planning Goal 10 (Housing) and associated opportunities for the community and surrounding area; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on March 27, 2007 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 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, with one or specified Condition of Approval to provide a meets and bounds description of the revised plan and zoning district designation areas; and,

WHEREAS, on March 27, 2007, 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 herewith adopts as its own the Findings of Fact provided in the Staff Report and such Findings of Fact and Conclusions of Law offered by the Applicant. Based upon its Findings of Fact and Conclusions of Law, 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 recommended approval of File Number CLUP/ZC 1-07 to the Board of County Commissioners; and,

WHEREAS, on March 27, 2007, based on testimony entered and consideration of the Findings of Fact and Conclusions of Law adopted by the Klamath County Planning Commission and upon a unanimous recommendation for approval, the Board of County Commissioners APPROVED the request of File Number CLUP/ZC 1-07, subject compliance to 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; with one specified Condition of Approval to provide a meets and bounds description of the revised plan and zoning district designation area.

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

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


TOWNSHIP 34 South, RANGE 7 East, SECTION 18CC, TAX LOT 400
(11.32± acres) as a Residential (R) designation; and,

The Klamath County Zoning Map is amended to include:

TOWNSHIP 34 South, RANGE 7 East, SECTION 18CC, TAX LOT 400
(11.32± acres) as a Rural Residential (R-5) zoning designation.

Dated this 30th day of April, 2007

FOR THE BOARD OF COMMISSIONERS




John Elliott, Chairman



Al Switzer, Vice-Chair



Bill Brown, Commissioner



W. Daniel Bunch, 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. Failure to do so in a timely manner may affect your rights.