



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

May 29, 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 004-07

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: June 11, 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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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



Submitted as: CLUP/ZC 3-07

Jurisdiction: Klamath County Local file number: CLUP/ZC 1-07

Date of Adoption: 4/24/2007 Date Mailed: 5/18/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 2/16/2007

- 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".

Applicant request a comprehensive plan map and zoning map change from Exclusive Farm Use/Agriculture to Rural Residential/R-2 (2 acre minimum lot sizes) on 4.13 ± acres. Applicant needs to make exceptions to Planning Goals 3 and 14.

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: Agricultural to: Rural

Zone Map Changed from: EFU-C to: Rural Residential (R-2)

Location: W. of Shield Crest, S. of Arant Road, E. of Vale Road, N. of Hwy 140 Acres Involved: 4.13 acres

Specify Density: Previous: 1 per parcel/80ac New: 1 per parcel/2 acres

Applicable Statewide Planning Goals: 1,2,3,7,8,9,10,11,12,13,14

Was and Exception Adopted? YES NO

DLCD File No.: 004-07 (15887)

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 Agriculture

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.

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

RECEIVED
MAY 10 2007
by Board of Commissioners

IN THE MATTER OF FILE NUMBER CLUP/ZC 3-07

FINAL ORDER

WHEREAS, Adkins Consulting Engineers Inc, applicant for Sonberg Company LLC, requested approval of an amendment of the COMPREHENSIVE LAND USE PLAN MAP for an approximately 4.13± acre property from Agricultural (AG) to Rural Residential (R); and a CHANGE OF ZONE from Exclusive Farm Use – Cropland (EFU-C) to Rural Residential (R-2); and

WHEREAS, the COMPREHENSIVE LAND USE PLAN MAP AMENDMENT and ZONE CHANGE is supported by a Statewide Land Use Planning Goal 3 (Agricultural) Reasons Exception Statement, as required by Oregon Administrative Rule 660-004-0020; and

WHEREAS, a Staff 1,300-acre soils study of the area in which the parcel is located demonstrates development of the parcel would not remove productive agricultural land from the agricultural lands base nor negatively affect farming or forestry activities or adjacent parcels; 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 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 April 24, 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

WHEREAS, on April 24, 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. The Planning Commission further recognizes a voluntary statement by the applicant, recorded as a pre-development Deed Restriction, recognizing adjacent farming practices, similar to that required by ORS 215.293. Based upon 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 recommended approval of File Number CLUP/ZC 3-07 to the Board of County Commissioners; and

WHEREAS, on April 24, 2007, 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 3-07, with recognition of a voluntary statement of recordation by the applicant for a pre-development Deed Restriction recognizing adjacent farm practices, similar to that required by ORS 215.293.

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

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

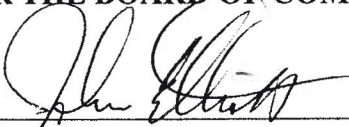
TOWNSHIP 39 South, RANGE 10 East, SECTION 08B, TAX LOT 02000 and SECTION 07A, TAX LOT 0101 (4.13± acres) as a Residential (R) designation; and,

The Klamath County Zoning Map is amended to include:

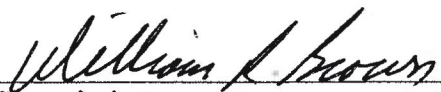
TOWNSHIP 39 South, RANGE 10 East, SECTION 08B, TAX LOT 02000 and SECTION 07A, TAX LOT 0101 (4.13± acres) as a Rural Residential (R-2) zoning designation.

Dated this 10 day of May, 2007
15th May, 2007


FOR THE BOARD OF COMMISSIONERS



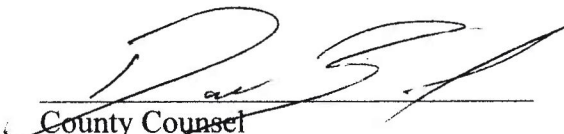
Chairman



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.