



# 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

June 20, 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 012-08

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: July 7, 2008**

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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.

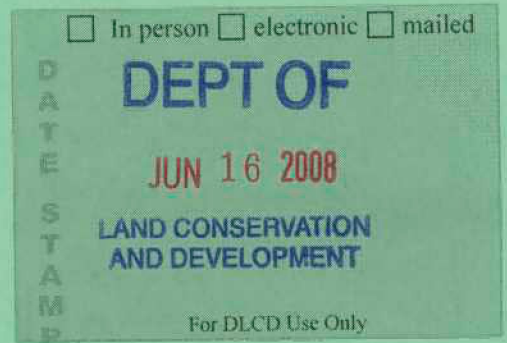
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Alyssa Boles, Klamath County

<paa>

# DLCD

## 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: **CUP 8-08**

Date of Adoption: **6/9/2008**

Date Mailed: **6/13/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

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".  
 Site a 160-acre Template Test Forest Dwelling on an 80-acre parcel zoned Forestry

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Off of Hwy 97 and Hwy 58**

Acres Involved: **80**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
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| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                            | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD file No. 012-08 (N/A)

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

DLCD, Department of Forestry, State Fire Marshal, Klamath County

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Local Contact: Alyssa Boles

Phone: (541) 883-5121 Extension: 3020

Address: 305 Main Street

Fax Number: 541-885-3644

City: Klamath Falls

Zip: 97601-

E-mail Address: [aboles@co.klamath.or.us](mailto:aboles@co.klamath.or.us)

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## 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](http://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](mailto: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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON**

**In the Matter of the Request for a  
Conditional Use Permit by:**

**Adkins Consulting Engineers for  
Brian & Jackie Templeton**

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**Case No. CUP 8-08**

**ORDER**

**1. NATURE OF THE REQUEST**

The applicant has applied for a conditional use permit to provide for a 160 acre template test forest dwelling on an 80 acre parcel in a forestry range zoning district. This request is reviewed for conformance with the Klamath County Land Development Code (KCLDC) Articles 24; 44; 55; and 55.080.

**2. HEARING PARTICIPANTS**

This matter came before hearings officer David P. Groff on May 16, 2008. Shanna Done, Planner, appeared and represented the planning department, and recommended approval of the application. No one testified in opposition to the CUP.

**3. PROPERTY**

The property is located 7.5 miles north and 1.5 miles west from the junction of state highways 97 and 58.

**4. MATERIALS CONSIDERED**

The hearings officer considered all testimony received on the record, in addition to the staff report and its exhibits.

**5. FINDINGS**

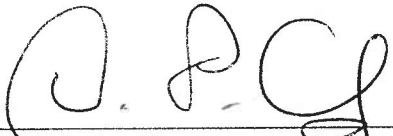
The hearings officer makes the following findings:

- 1) I adopt the findings and analysis set out in the staff report, pages 1-7.

6. ORDER

Therefore, it is hereby ordered that the applicant's request for a conditional use permit is APPROVED, subject to conditions 1 through 5, set out in the staff report, page 8.

DATED June 6, 2008.

  
\_\_\_\_\_  
David P. Groff  
Hearings Officer

*Notice of Appeal Rights*

You are hereby notified that this Order may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code, together with the fee required, *within seven (7) days* of the mailing of this order. Failure to file a notice of appeal within the time allowed will result in loss of your right to appeal this decision.

**CONCLUSION**

The Applicant's request for a Forest Template Dwelling on 80 acres of land zoned Forestry (more particularly described as Tax Map Number R-2508-005D0-00100-000) is deemed appropriate for development as related to land use. Other review may be required to meet building, public works, and other agency regulations and requirements.

Based on review of the subject application and additional evidence submitted to the record, staff recommends the Hearings Officer **APPROVE** the Applicant's request, subject to Federal and State law, rules, or policy; Klamath County Land Development Code and County Ordinances; Oregon Fire Codes and Appendices; Oregon Building Codes and Appendices; Klamath County Public Works Standards, Policies and Procedures; and additional Conditions of Approval, as described below:

1. Prior to application of development permits, the owner shall record a restrictive covenant with the deed recognizing the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act. Evidence of recordation of said covenant shall be submitted to the Planning Department prior to authorization of development by the Planning Department.
2. Prior to application for site development permits, the applicant must record a deed covenant that will run with the land imposes fire siting standards as outlined in Article 69 of the KCLDC.
3. Prior to application for building permits, obtain permits from Klamath County On-Site Sanitation for the septic system and any permits required for an on-site well from the State Watermaster's office.
4. This Conditional Use Permit shall be void after 4 years if development has not been initiated through a building permit issued in reliance on this approval. If the building permit expires prior to actual site development, this CUP may also be declared void.
5. This Conditional Use Permit will be limited to one (1) two-year time extension.

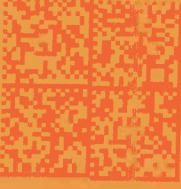


Alyssa Boles, Planner



Les Wilson, Planning Director

KLAMATH COUNTY PLANNING DEPARTMENT  
305 MAIN STREET  
KLAMATH FALLS, OR 97601



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06/13/2008

Mailed From 97501

US POSTAGE

DEPT OF

JUN 16 2008

LAND CONSERVATION  
AND DEVELOPMENT

DUCD

Plan Amendment Specialist  
635 Capital St NE, Ste 150  
Salem, OR 97331