



Oregon

Theodore R. Kubongoski, 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

06/26/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Klamath County Plan Amendment
DLCD File Number 002-09

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: Wednesday, July 08, 2009

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).

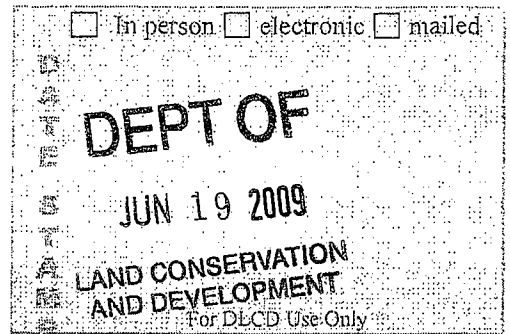
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Leslie C. Wilson, Klamath County
Doug White, DLCD Community Services Specialist

<paa> YA

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: **ORD 44.76**

Date of Adoption: **6/2/2009**

Date Mailed: **6/17/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/12/2009

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".

An amendment to the Comprehensive Plan Atlas - ESEE Analysis that supports recognition of Rural Residential Exception lands for pre-acknowledgment subdivisions. Ordinance 44.76.1 modifies land development code text for the siting of a dwelling in an "Impacted Area" and the requirement for a Conditional Use Permit. All other siting standards remain and continue to support density standards and habitat conflicts.

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

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Klamath County Goal 5 Big Game Ranges**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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. See First Page

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

BLM, USF&W, USF, ODF, ODF&W, Klamath Fire Districts, KC Public Works, ODOT

Local Contact: **Leslie C. Wilson**

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

Address: **305 Main Street**

Fax Number: **541-885-3644**

City: **Klamath Falls**

Zip: **97601-**

E-mail 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 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**. 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**.
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** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF AMENDING)
THE KLAMATH COUNTY)
COMPREHENSIVE PLAN GOAL)
5 BIG GAME RANGES ESEE)
ANALYSIS (ORDINANCE 45.2) &)
KLAMATH COUNTY LAND)
DEVELOPMENT CODE ARTICLE)
57 (ORDINANCE 44.67))**

ORDINANCE 44.76.1

WHEREAS, the Klamath County Board of Commissioners has the authority to create, amend, modify, or repeal county law or code by Ordinance; and

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan (Comp Plan) and Land Development Code (KCLDC); and

WHEREAS, the Klamath County Planning Director requested a legislative hearing and provided written notice of the public hearing format consistent with ORS 215.060 and 215.223; and

WHEREAS, a legislative public hearing was held on April 28, 2009; and, a Staff Report and an amended ESEE Analysis was provided; and, public testimony was considered before the Klamath County Planning Commission; and

WHEREAS, on April 28, 2009, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission recommended approval of the Planning Director's legislative request to amend the Comp Plan and KCLDC; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Board of Commissioners have held public hearing and has determined that it is in the best interest of Klamath County to amend the Comp Plan and Article 57 of the KCLDC by an Ordinance approved by the Klamath County Board of Commissioners.

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

1. *The Klamath County Comprehensive Plan Goal 5 Big Game Ranges ESEE attached hereto by reference, marked Exhibit "A" is now hereby incorporated into the Comprehensive Plan and thereby adopted.*

2. Klamath County Land Development Code attached hereto by reference, marked Exhibit "B" is now hereby amended and shall state the following **{bolded text is new or modified}**:

Article 57.030(A)(3)

The siting of a residential dwelling when located inside a Big Game Habitat mapped "Impacted Area"; and, when substantial proof is provided showing standards enumerated in Article 57.070(C)(2)(D), (E), & (F) can be met without the application of a Conditional Use Permit and standards enumerated in Article 57.060.

Article 57.070(C)(2)

A) Residential home sites (including accessory buildings) fronting a public road may be permitted if:

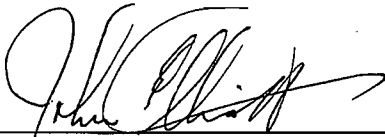
- 1) Not more than 330 feet from an existing dwelling;
or
- 2) Not more than 150 feet from a side property boundary; and
- 3) Not more than 100 feet from an existing public road.

B) Residential home sites (including accessory buildings) on a parcel in a mapped "impact area" shall be sited using the Base Zoning setback standards.

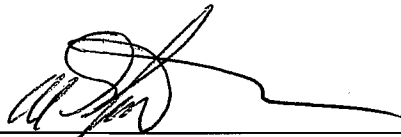
C) Residential home sites (including accessory buildings) not fronting a public road and on a parcel not within a mapped "impact area" may be permitted if:

DATED this 2 day of June, 2009.

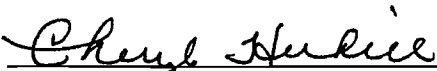
FOR THE BOARD OF COMMISSIONERS




Chairman



Commissioner



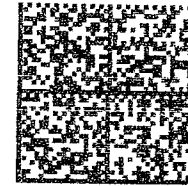
Commissioner



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 by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.



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06/17/2009

Mailed From 97601

US POSTAGE

McGraw-Hill

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION &
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540