



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

05/26/2009

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 007-08

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 DLCDD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, June 04, 2009

This amendment was submitted to DLCDD for review 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 THAT IT WAS MAILED TO DLCDD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Samantha Meadows, Klamath County
Doug White, DLCDD Community Services Specialist
Jon Jinings, DLCDD Regional Representative

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FROM 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

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DEPT OF

MAY 18 2009

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: Klamath County Local file number: CLUP / ZC 16-07

Date of Adoption: 5/12/2009 Date Mailed: 5/14/2009

Date original Notice of Proposed Amendment was mailed to DLCD: 4/28/2009

- 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 requests a comprehensive plan map and zoning map change from
Forestry Range to Non-Resource on approximately 2,000 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: Forestry to: Non Resource

Zone Map Changed from: Forestry Range to: Non Resource

Location: Klamath County Acres Involved: 2000 acres

Specify Density: Previous: N/A New: 1 per 20 acres

Applicable Statewide Planning Goals: 1,2,4,10,11

Was and Exception Adopted? YES NO

DLCD File No.: 007-08 (16769) [15527]

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, Malin Rural Fire Protection District, ODF&W, Klamath County School Dist., Oregon Dept. of Forestry.

Local Contact: **Alyssa Boles** Phone: **(541) 883-5121** Extension: **3020**

Address: **305 Main Street** City: **Klamath Falls**

Zip Code + 4: **97601-** Email Address: **aboles@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**

IN THE MATTER OF FILE NUMBER CLUP/ZC 16-07

FINAL ORDER

WHEREAS, Donald Rajnus, applicant, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP from Forestry (F) to Non-Resource (NR); and a CHANGE OF ZONE from Forestry Range (FR) to Non-Resource (NR) on 2000± acres; and

WHEREAS, the subject property is described as Tax Lots 06001, 06002, 06300, 00801, and 00100, in Sections 24, 25, 26, 35, and 36 of Township 40 South, Range 11 East Willamette Meridian and identified as Tax Accounts R875527, R877854, R891370, R804142, R875528, and 875527; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on April 28, 2009 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, approximately 1000 acres of the subject properties are within the Low-Medium Deer Winter Range; and

WHEREAS, a Limited Use Overlay was imposed, which restricts lot sizes within the Low-Medium Deer Winter Range to 160 acres and lot sizes outside the Low-Medium Deer Winter Range to a minimum of 20 acres; and

WHEREAS, the Limited Use Overlay would also restrict any future development on each lot to no more than one dwelling; and

WHEREAS, 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 concluded the application was in conformance with Articles 47 and 48 of the Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of Approval with conditions for Planning File CLUP/ZC 16-07 to the Board of County Commissioners; and

WHEREAS, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified in the Staff Report, the Board of County Commissioners APPROVED Planning File CLUP/ZC 16-07, with conditions.

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 40 South, RANGE 11 East, SECTIONS 24, 25, 26, 35, and 36, TAX LOTS 06001, 06002, 06300, 00801, and 00100, as a Non-Resource (NR) designation; and,

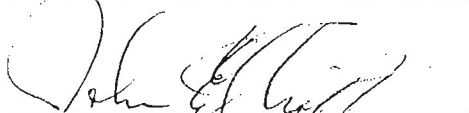
The Klamath County Zoning Map is amended to include:

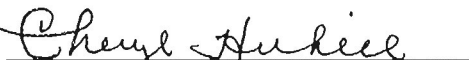
TOWNSHIP 40 South, RANGE 11 East, SECTIONS 24, 25, 26, 35, and 36, TAX LOTS 06001, 06002, 06300, 00801, and 00100, as a Non-Resource (NR) designation, subject to the following conditions:


- 1. A Limited Use Overlay is adopted in conjunction with this application in accordance with KCLDC Article 59.8. The Limited Use Overlay will limit any future land division within the Low-Medium Deer Winter Range to 160 acres in size and 20 acres outside of the Deer Winter Range. Development on each lot will be no more than one (1) house per lot.*
- 2. Further amendment of the zoning site below the 20 acre minimum will require removal of this Limited Use Overlay through a public hearing process and will be subject to an Exception process.*


Dated this 12 day of May, 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 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



Postnet

Plan Amendment Specialist
DLC/D
635 Capitol St NE, Ste 150
Salem, OR 97301-2540

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