



# 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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

03/03/2009

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 008-08

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 DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, March 03, 2009

This amendment was submitted to DLCD 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 DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Alyssa Boles, Klamath County  
Doug White, DLCD Community Services Specialist  
Amanda Punton, DLCD Regional Representative

<paa> YA

# 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

In person  electronic  mailed

**DEPT OF**

**FEB 11 2009**

**LAND CONSERVATION AND DEVELOPMENT**

DATE STAMP

For DLCD Use Only

Jurisdiction: **Klamath County**

Local file number: **CLUP 15-07**

Date of Adoption: **12/31/2008**

Date Mailed: **2/10/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/16/2007

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".

Comprehensive Plan Map Amendment for inclusion of additional acreage (67 acres) on the Goal 5 list of Significant Aggregate Sites. The size of the additional acreage to be included depends on the determination of the size of the site already included on the Goal 5 inventory. The site already included is Goal 5, Site #140.

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: **2.7 miles east of Beatty, near Hwy 140**

Acres Involved: **67**

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

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <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>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 # 008-08 (16784)**

**DLCD file No.** \_\_\_\_\_

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

DLCD, Klamath County, Department of Forestry, DOGAMI, ODOT, Beatty RFPD

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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**

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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**. 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.

**BEFORE THE BOARD OF COMMISSIONERS  
FOR KLAMATH COUNTY, OREGON**

IN THE MATTER OF FILE NUMBER CLUP 15-07

FINAL ORDER

WHEREAS, Oregon Department of Transportation, property owner and applicant, requested approval of a Post Acknowledgment Plan Amendment (PAPA) subject to provisions of OAR 660-023-0180, and processed as a quasi-judicial amendment to the COMPREHENSIVE LAND USE PLAN MAP to an existing Goal 5 Significant Resource Overlay, 1C/3C Mineral Aggregate designation, from approximately 10± acres to 77± acres of property zoned Forestry Range; and,

WHEREAS, the applicant submitted findings of fact and conclusions of law consistent to meet the minimum standards of OAR 660-023-0180 in support of the request; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing to be held on December 16, 2008 before the Klamath County Planning Commission and Board of County Commissioners; and,

WHEREAS, on December 16, 2008, the Klamath County Planning Commission, based upon the written and oral testimony presented at this hearing, deliberated to a decision, concluding the proposed changes were consistent with or could be made consistent with the applicable criteria, and subject to compliance with all the requirements of State and Federal law, statutes, rules and policies; including, but not limited to, the provisions of OAR 660-023-0180; and,

WHEREAS, the applicant stipulated on the record to all mitigation conditions found identified in OAR 660-023-0180(5) and concurred with the fact Klamath County was the regulatory authority over the subject property land use; and

WHEREAS, on December 16, 2008, the Klamath County Planning Commission adopted as its own the Findings of Fact and conclusions of law as provided by the Planning Department and contained in the Staff Report, and forwarded a recommendation of approval of Planning File CLUP 15-07 to the Board of County Commissioners, and,

WHEREAS, on December 16, 2008, the Board of County Commissioners, based upon given testimony and consideration of the Findings of Fact and Conclusions of Law as adopted by the Klamath County Planning Commission and recommendation for approval, APPROVED Planning File CLUP 15-07, noting that the application was consistent with OAR 660-023-0180; and


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

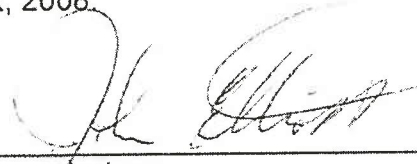
The Klamath County Comprehensive Land Use Map designation is amended to include:

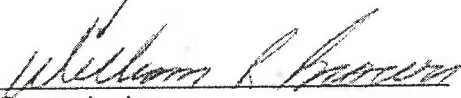
*TOWNSHIP 36 South, RANGE 13 East, Section 17, Tax Lot 04200, a 77± acre parcel zoned Forestry Range; with, Klamath County Goal 5 Mineral/Aggregate Significant Resource Overlay (SRO) having 1C/3C site protection; and, with restrictions and processes identified in OAR 660 Division 23.*


*Furthermore, because minimum standards of OAR 660 Division 23 were met and conflicting uses as identified in the Staff Report can be mitigated, this Comprehensive Land Use Map amendment repeals Ordinance 44.34 and replaces any previous site recognition.*

DATED THIS 31<sup>st</sup> DAY OF DECEMBER, 2008:

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Commissioner

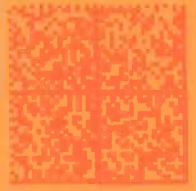
  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
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 an appeal (LUBA: Phone 1-503-373-1265 or mail to 550 Capitol Street NE, Suite 235, Salem, OR 97301-2552). Failure to do so in a timely manner may affect your rights.

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02/10/2009  
Mailed From 97601  
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R 97601

Attn: Plan Amendment Specialist  
DLCD  
635 Capitol St NE, Ste 150  
Salem, OR 97301-2540