



# Oregon

Theodore R. Kubangoski, 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

03/06/2009

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 016-08

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 24, 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).

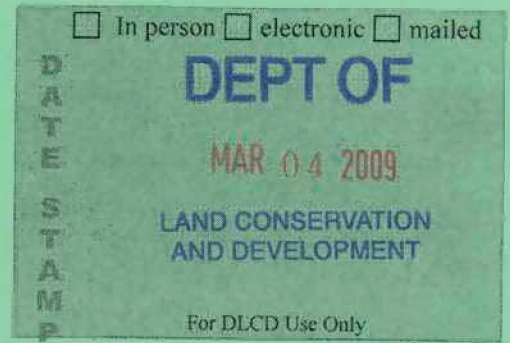
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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  
Jon Jinings, DLCD Regional Representative

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# 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: **CLUP/ZC 18-08**

Date of Adoption: **2/18/2009**

Date Mailed: **3/3/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **9/26/2008**

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".

Applicant wishes to change the comprehensive plan designation from Agricultural to Exclusive Farm Use to Rural and the zoning from Exclusive Farm Use (EFU-CG) to Rural Residential (R-5).

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

Plan Map Changed from: **Agricultural**

to: **Rural**

Zone Map Changed from: **Exclusive Farm Use**

to: **Rural Residential (R-5)**

Location: **11622 Overland Drive, Klamath Falls, OR**

Acres Involved: **14**

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

New: **1 sfd per 5 ac**

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

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 # 016-08 (17156)*

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

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

DLCD, Klamath County, Keno RFPD, District 17 Watermaster

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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.

RECEIVED

FEB 03 2009

BOARD OF COUNTY COMMISSIONERS

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

**IN THE MATTER OF FILE NUMBER CLUP/ZC 18-08**

**FINAL ORDER**

WHEREAS, Tracy Fields, applicant, and Drew Humphrey of Brandsness, Brandsness, & Rudd, agent, requested approval of a quasi-judicial amendment of the COMPREHENSIVE LAND USE PLAN MAP from Agricultural (Ag) to Rural (R); and a CHANGE OF ZONE from Exclusive Farm Use – Cropland, Grazing (EFU-CG) to Rural Residential (R-5) on a 14.92± acre property; and

WHEREAS, the subject property is described as Tax Lot 00100, in Section 21C of Township 40 South, Range 08 East Willamette Meridian and identified as Tax Account R625336, commonly known as 11622 Overland Drive; and,

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on January 27, 2009 before the Klamath County Planning Commission and Board of County Commissioners; 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 complies with County Land Use Planning Goal 11, Policy 12, and has no water rights, and is comprised of predominately Class VII soils; 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; and

WHEREAS, on January 27, 2009, 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 adopted as its own the Findings of Fact and Conclusions of Law provided in the Staff Report. 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 forwarding a recommendation of Approval without conditions for Planning File CLUP/ZC 18-08 to the Board of County Commissioners; and

WHEREAS, on January 27, 2009, 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 without conditions, the Board of County Commissioners APPROVED Planning File CLUP/ZC 18-08.

**Scanned to CRW**

3/2/09

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

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

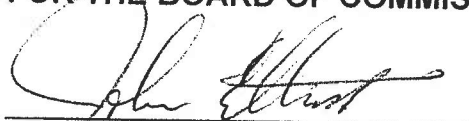
TOWNSHIP 40 South, RANGE 08 East, SECTION 21C, TAX LOT 00100  
(14.92 ± acres) as an Rural (R) designation; and,


*The Klamath County Zoning Map is amended to include:*


TOWNSHIP 40 South, RANGE 08 East, SECTION 21C, TAX LOT 00100  
(14.92 ± acres) as a Rural Residential (R-5) designation.

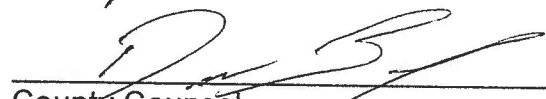
Dated this 18 day of February, 2009

FOR THE BOARD OF COMMISSIONERS

  
Chairman

  
Commissioner

  
Commissioner

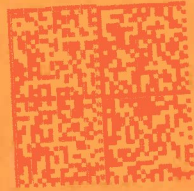
  
County Counsel  
Approved as to form

**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

DLCD  
Plan Amendment Specialist  
635 Capital St NE, Ste 150  
Salem, OR 97301-2540



Postnet

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03/03/2009

Mailed From 97601  
US POSTAGE