



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

8/5/2010

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 002-10

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: Friday, August 20, 2010

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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Mark Gallagher, Klamath County
Jon Jinings, DLCD Community Services Specialist

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FORM 2

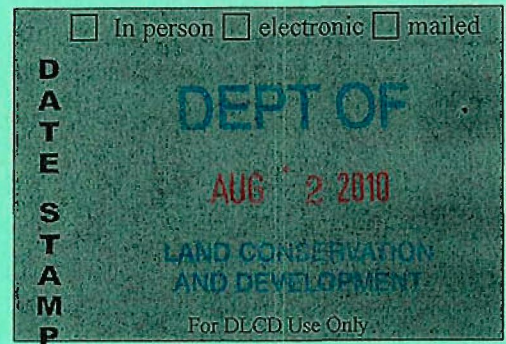
DEPT OF

DLCD

AUG 2 2010

LAND CONSERVATION AND DEVELOPMENT

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**

Local file number: **CLUP/ZC 2-10**

Date of Adoption: **7/14/2010**

Date Mailed: **7/30/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/6/2010**

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".

Amended the rural community boundary of Crescent Lake and associated Comprehensive Plan designations and zoning on approximately 0.58 acres that was the subject of a Forest Service re-survey and subsequent property line adjustment. An equal amount of land (0.29 each) inside and outside the rural community boundary was exchanged in the property line adjustment, so there was no change in acreage inside and outside the boundary.

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

Plan Map Changed from: **Residential & Forestry** to: **Forestry & Residential**

Zone Map Changed from: **Forestry & Rural Res (R-2)** to: **Rural Res (R-2) & Forestry**

Location: **R-2406-001CA-01600-000 & R-2406-00100-00400-000** Acres Involved: **.58 acres**

Specify Density: Previous: **No net change** New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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 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 file No. _____

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

Local Contact: **Mark Gallagher, Planner III**

Phone: (541) 883-5121 Extension: 3064

Address: **305 Main Street**

Fax Number: 541-885-3644

City: **Klamath Falls**

Zip: **97601-**

E-mail Address: **mgallagher@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 RURAL COMMUNITY)
BOUNDARY OF CRESCENT)
LAKE AND ASSOCIATED PLAN)
DESIGNATIONS AND ZONING)
ON 0.58 ACRES THAT IS THE)
SUBJECT OF A PROPERTY LINE)
ADJUSTMENT.)

ORDINANCE 44.86

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan Map (Comp Plan Map), and Official Klamath County Zoning Map (Zone Map); and

WHEREAS, the Klamath County Planning Department provided written notice of the public hearing as required in KC Land Development Code Article 31; and

WHEREAS, a quasi-judicial public hearing was held on June 22, 2010, and a Staff Report was provided, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own the Findings of Fact provided in the Staff Report and recommended approval of Option 1 to amend the Comp Plan Map, and Zone Map; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation to amend the Comp Plan Map and Zone Map; and

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Comprehensive Plan and Zoning Map which are attached hereto, marked as Exhibit "A," and incorporated herein by reference are hereby adopted.

- 1. The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended as shown on attached Exhibit A.***

DATED this 14th day of July, 2010.

FOR THE BOARD OF COMMISSIONERS

Cheryl Herbie
Chairman

[Signature]
Commissioner

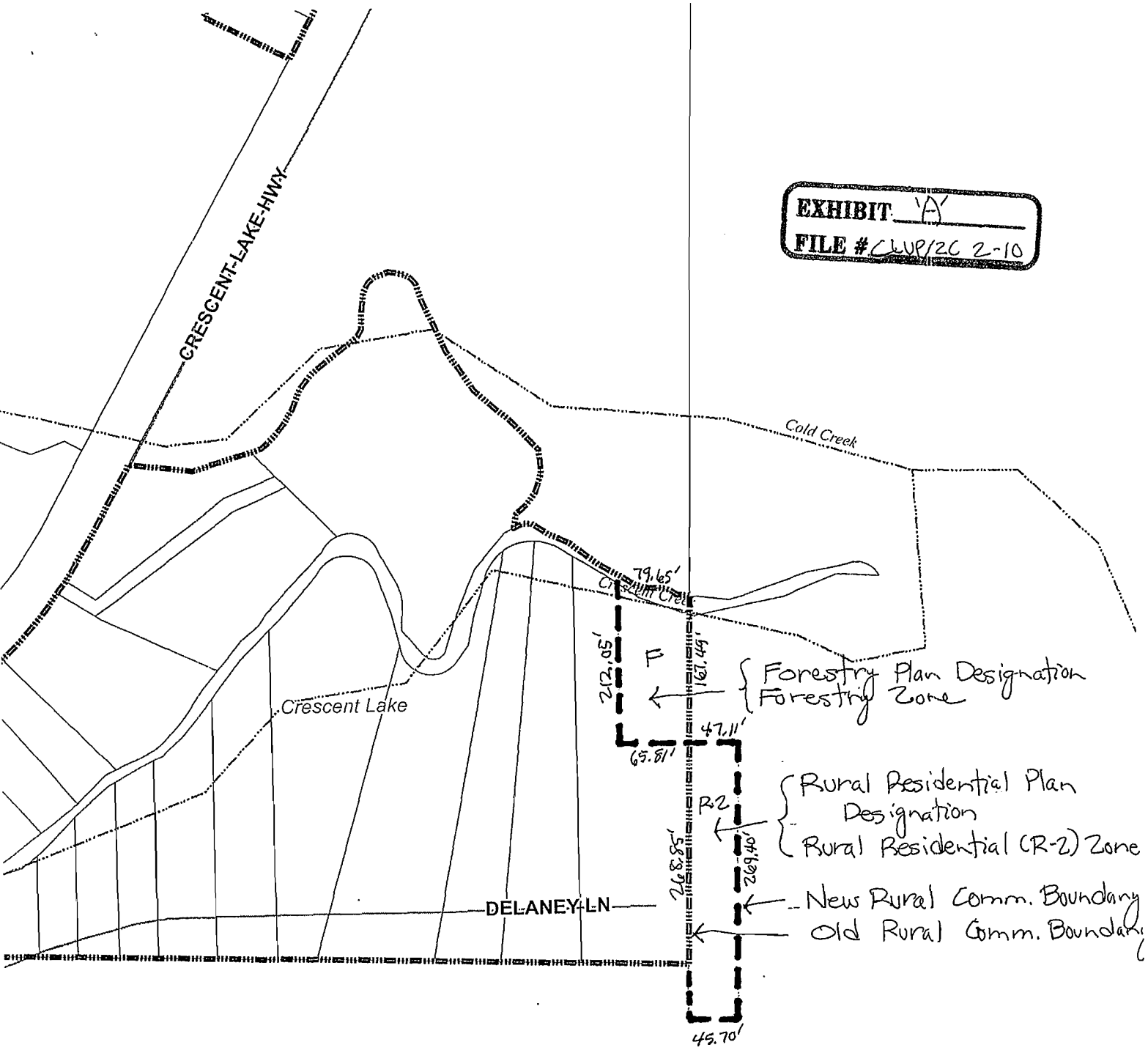
[Signature]
Commissioner

OPC 7/13/10
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.

EXHIBIT 1A
FILE # CLWP/2C 2-10



BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-10

FINAL ORDER

WHEREAS, Mike Hardie & USDA Forest Service applicants, requested approval of an Amendment to the rural community boundary of Crescent Lake and associated Comprehensive Plan designations and zoning on approximately 0.58 acres that is the subject of a property line adjustment.; and

WHEREAS, the subject properties are described as Tax Lot 400, in Section 1 of Township 24 South, Range 06 East Willamette Meridian and Tax Lot 1600, in Section 1CA of Township 24 South, Range 06 East Willamette Meridian; and;

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on June 22, 2010 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the plan amendment and associated zone change in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed Findings of Fact in the Staff Report their own, and including the minor revision to the proposed rural community boundary added at the public hearing (Memo dated June 22, 2010), the Klamath County Planning Commission concluded the application was in conformance with State Law, Klamath County Land Development Code and Comprehensive Plan, and forwarded a unanimous recommendation of Approval for Planning File CLUP/ZC 2-10 to the Board of County Commissioners; and

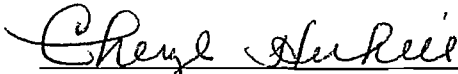
WHEREAS, based on testimony entered and after consideration of the whole record; and, with a unanimous recommendation from the Klamath County Planning Commission, the Klamath County Board of Commissioners acting within their authority, accepted the Planning Commission's recommendation (as amended by the Staff Memorandum dated June 22, 2010), and unanimously APPROVED Planning File CLUP/ZC 2-10.

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

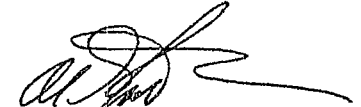
The Klamath County Planning Director shall draft for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map to reflect the proposed revision to the rural community boundary of Crescent Lake and associated plan designation and zoning changes as shown on attached Exhibit A.

Dated this 14th day of July 2010

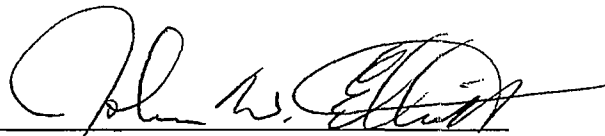
FOR THE BOARD OF COMMISSIONERS



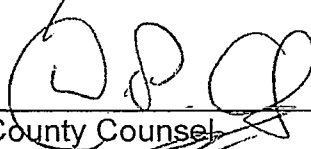
Chairman



Commissioner



Commissioner

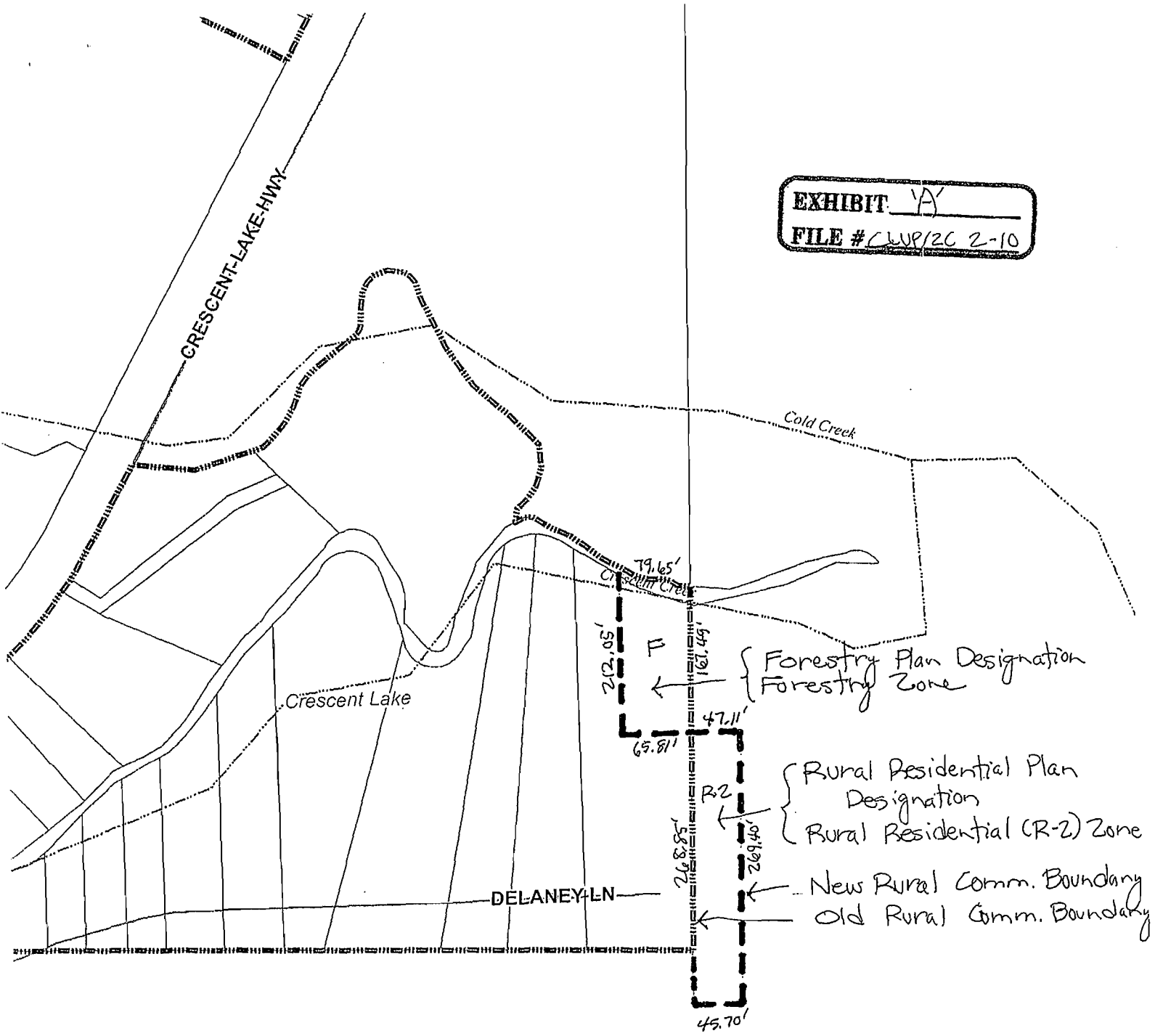
 7/13/10

County Counsel
Approved as to form

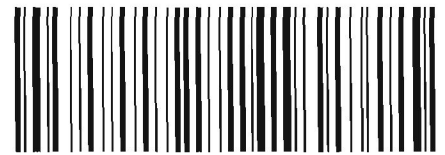
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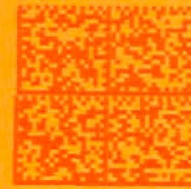
EXHIBIT 'A'
FILE # CLUP/ZC 2-10



Klamath County
Planning Department
305 Main Street
Klamath Falls, OR 97601



7007 0710 0005 1922 7341



Receipt

049J82030494

\$06.32

07/30/2010

Mailed From 97601
US POSTAGE

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