NOTICE OF ADOPTED AMENDMENT

10/18/2010

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 003-10

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: Thursday, October 28, 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
Jon Jinings, DLCD Regional Representative

<paa> YA
Jurisdiction: Klamath County  Local file number: CLUP / ZC 2-09
Date of Adoption: 10/5/2010  Date Mailed: 10/7/2010
Date original Notice of Proposed Amendment was mailed to DLCD: 5/24/2010

☐ 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".

Amends the Comprehensive Plan Map designation from Agricultural to Rural and a zoning map change from Exclusive Farm Use - Crops & Grazing (EFU-CG) to Rural Residential (R-5) on 52± 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".

Applicant revised the area down from 64.4 to 52 acres.

Plan Map Changed from: Agriculture to: Rural
Zone Map Changed from: EFU-CG to: Rural Residential (R-5)
Location: Klamath County  Acres Involved: 52 acres
Specify Density: Previous: N/A  New: One parcel / 5 acres
Applicable Statewide Planning Goals: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
Was and Exception Adopted? ☒ YES ☐ NO

DLCD File No.: 003-10 (18329) [16363]
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

Local Contact:  Mark Gallagher  Phone:  (541) 883-5121  Extension:  3064
Address:  305 Main Street  City:  Klamath Falls
Zip Code + 4:  97601-  Email Address:  mgallagher@co.klamath.or.

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.

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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING THE COMPREHENSIVE PLAN DESIGNATION FROM AGRICULTURE TO RURAL AND CHANGING THE ZONING FROM EXCLUSIVE FARM USE – CROPS/GRAZING (EFU-CG) TO RURAL RESIDENTIAL (R-5) ON APPROXIMATELY 52 ACRES. ORDINANCE 44.89

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 and Zoning Map; and

WHEREAS, the Klamath County Planning Director was directed by Final Order (CLUP/ZC 2-09) signed by the Board of County Commissioners to draft for signature an Ordinance; and

WHEREAS, an Ordinance was drafted for the purpose of designating the use of certain lands, as requested by the applicant/landowner.

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

1. The Klamath County Comprehensive Plan - General Land Use Plan Map designation is changed from Agriculture to Rural on property identified on attached Exhibit A:

2. The Zoning Map is Changed from Exclusive Farm Use – Crops/Grazing (EFU-CG) to Rural Residential (R-5) on property identified on attached Exhibit A.

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.
DATED this 5th day of October, 2010.

FOR THE BOARD OF COMMISSIONERS

[Signatures]

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.
Plan Designation to be Rural
Zoning to be: R-5
R-3908-031C0-00200-000

Subject Property

Klamath River

R-4008-00600-00200-000

R-4008-00600-00100-000

EFU-CG

R-3908-031D0-02900-000

R-3908-031D0-02901-000
BEFORE THE KLAMATH COUNTY
BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-09

WHEREAS, Puckett Trust, et al applicants, requested approval of an amendment to the Comprehensive Plan designation and zoning on approximately 52 acres; and

WHEREAS, the subject properties are described as Tax Lots 200 and 3000, in Section 31C of Township 39 South, Range 8 East Willamette Meridian, and Tax Lot 200, in Section 6 of Township 40 South, Range 8 East Willamette Meridian; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on September 28, 2010 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Comprehensive 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 application submittal and Staff Report their own, 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 2-09 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, and unanimously APPROVED Planning File CLUP/ZC 2-09.
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 plan designation and zoning changes as shown on attached Exhibit A.

Dated this 5 day of Oct, 2010

FOR THE BOARD OF COMMISSIONERS

Chairman

Comissioner

Comissioner

NOTICE OF APPEAL RIGHTS
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Plan Designation to be Rural
Zoning to be R-5
R-3908-031C0-00200-000

Subject Property

R-3908-031D0-00300-000
EFU-CG

R-3908-031D0-002900-000

R-4008-00600-00200-000

R-4008-00600-00100-000